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12 AMERICAN CIVIL LIBERTIES UNION OF
13 NORTHERN CALIFORNIA and
14 SAN FRANCISCO BAY GUARDIAN

15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 AMERICAN CIVIL LIBERTIES UNION
19 OF NORTHERN CALIFORNIA; SAN
20 FRANCISCO BAY GUARDIAN,

21 Plaintiffs,

22 v.

23 DRUG ENFORCEMENT
24 ADMINISTRATION,

25 Defendant.

CASE NO.: CV-11-1997-RS

**[AMENDED PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: May 12, 2011

Time: 1:30 pm

Dept.: Courtroom 3, 17th Floor

1 This matter came on for hearing before the Court on Plaintiffs' Motion for Preliminary
2 Injunction. Having given full consideration to all of the Plaintiffs' papers, evidence, and the
3 relevant authorities, all of Defendant's responses thereto, and the oral presentation of counsel, for
4 good cause appearing and in accordance with Fed. R. Civ. P. 65(b), it is **HEREBY ORDERED**
5 that Plaintiffs' Motion for Preliminary Injunction is **GRANTED** and Defendant is **ORDERED** as
6 follows:

- 7 1. Defendant shall immediately cease and desist from wrongfully withholding records
8 pertaining to Plaintiffs' January 4, 2011 Freedom of Information Act requests.
- 9 2. Defendant shall complete the processing of Plaintiffs January 4, 2011 Freedom of
10 Information Act requests and issue its final release of all such requested records no later
11 than May 16, 2011.
- 12 3. In complying with paragraphs 1 and 2 above, Defendant shall undertake a search
13 reasonably calculated to uncover all relevant documents, including but not limited to a
14 search of all DEA offices, all recordkeeping systems (including databases), and all
15 electronic and hard copy files likely to contain requested information.
- 16 4. Defendant shall produce an affidavit attesting to compliance, including what searches
17 were performed and what keywords were used, and setting forth the basis for withholding
18 any responsive documents no later than June 7, 2011.
- 19 5. The Court finds that no bond is necessary in this case because DEA's compliance with this
20 preliminary injunction would not create a risk of monetary loss. Moreover, Plaintiffs have
21 a strong likelihood of success on the merits, *see Scherr v. Volpe*, 466 F.2d 1027, 1035 (7th
22 Cir. 1972); there is no realistic likelihood of harm to Defendant resulting from issuance of
23 the injunction, *see Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 1997); and the
24 "equities of potential hardships to the parties" weighs in favor of Plaintiffs, *see Temple*
25 *Univ. v. White*, 941 F.2d 201, 220 (3d Cir. 1991).

26 **IT IS SO ORDERED**

27 Dated: _____

28 HONORABLE RICHARD SEEBORG