

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID T. HARDY,
Plaintiff,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, *et al.*,

Defendants.

Civil Action No. 15-1649 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of the Motion for Summary Judgment, ECF No. 22, of defendants, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Justice, and the Department of Justice's Office of Inspector General; the plaintiff's Cross-Motion for Summary Judgment, ECF No. 24; the related legal memoranda submitted in support and opposition; the declarations submitted; and the entire record herein; for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that the defendant's Motion for Summary Judgment is GRANTED as conceded as to the Bureau of Alcohol, Tobacco, Firearms and Explosives; and it is further

ORDERED that the defendants' Motion for Summary Judgment is GRANTED as to the defendants' withholding of responsive information under FOIA Exemption 5 with respect to the "Records of Interviews," "Telephone Interview Notes," the "Survey Draft," and the "Interview Workpaper," which documents are listed in the defendants' *Vaughn* Index, ECF No. 22-2, at 1-5, 9-31, 33, with Bates numbers 001-0020, 0021-0050, 0113-0139, 0143-0149, 0153-0200, 0201-0204, 0215-0217, 0218-0305, 0310-0380, and 0489-0490; and it is further

ORDERED that the defendants' Motion for Summary Judgment is DENIED and the plaintiff's Cross-Motion for Summary Judgment is GRANTED as to the defendants' withholding of responsive information under FOIA Exemption 5 with respect to the "Survey Results" and the "Final Survey Data," which documents are listed in the defendants' *Vaughn* Index, at 32–33, with Bates numbers 0381–0470 and 0491–0500; and it is further

ORDERED that the defendants' Motion for Summary Judgment and the plaintiff's Cross-Motion for Summary Judgment are DENIED, without prejudice, as to the defendants' withholding of responsive information under FOIA Exemption 5 with respect to the "Survey Question Analysis," the "Final Survey Data Analysis," the "Workpaper Index and Assignments Worksheet," the "Email Summary," and the "Document Summary," which documents are listed in the defendants' *Vaughn* Index, at 8, 9–10, 24–25, 33–35, with Bates numbers 0140–0142, 0150–0152, 0306–0309, 0471–0488, and 0501–0511; and it is further

ORDERED that the parties jointly file, by April 21, 2017, a proposed schedule to govern further proceedings in this matter.

SO ORDERED.

Date: March 22, 2017

BERYL A. HOWELL
Chief Judge