

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

CENTER FOR AUTO SAFETY,

Plaintiff,

v.

U.S. DEPARTMENT OF TREASURY, *et al.*,

Defendants.

Civil Action No. 11-1048 (BAH)

Judge Beryl A. Howell

ORDER

Upon consideration of Defendant United States Department of Treasury and Defendant-Intervenor General Motors LLC's Joint Motion for Summary Judgment, ECF No. 36, and Plaintiff Center for Auto Safety's Motion for Summary Judgment, ECF No. 40, the related legal memoranda in support and in opposition, the exhibits attached thereto, and the entire record herein, for the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that both motions are DENIED as moot as to the Chrysler document described as "Obama Administration New Path to Viability for GM & Chrysler," Bates No. HHR-DOT2-00004091; and it is further

ORDERED that the plaintiff's Motion for Summary Judgment, ECF No. 40, is DENIED without prejudice; and it is further;

ORDERED that the defendant and defendant-intervenor's Joint Motion for Summary Judgment, ECF No. 36, is GRANTED IN PART and DENIED IN PART. The motion is granted as to: (a) the following GM documents, which contain information withheld exclusively under Exemption 6 of the FOIA: Bates Nos. HHR-DOT2-00131476, HHR-DOT2-00201164, HHR-DOT2-00174466, HHR-DOT2-00034176, HHR-DOT2-00359037; HHR-DOT2-00001106,

HHR-DOT2-00008096, HHR-DOT2-00010565, and HHR-DOT2-00017917, HHR-DOT2-00086134, HHR-DOT2-00106737, HHR-DOT2-00112544, HHR-DOT2-00359090, HHR-DOT2-00359489, HHR-DOT2-00359584, HHR-DOT2-0035986; and (b) the following Chrysler documents, redacted only to withhold cell phone information: Bates Nos. HHR-DOT2-00044792, HHR-DOT2-00158246, HHR-DOT2-00158247, HHR-DOT2-00158243, HHR-DOT2-00165104, HHR-DOT2-00165108, HHR-DOT2-00341586, HHR-DOT2-00341590, HHR-DOT2-00342765, and HHR-DOT2-00346589. Summary judgment is denied without prejudice to the defendant and the defendant-intervenor in all other respects; and it is further

ORDERED that, if the defendant and defendant-intervenor elect to continue to withhold disputed documents, in whole or in part, the parties shall, by October 20, 2015, provide the Court with (1) a joint status report that sets forth a list of the records that remain in dispute, in light of the Memorandum Opinion, and that identifies each disputed record by Bates number, or other unique identifier, and by citation to the particular page(s) of the already submitted *Vaughn* indices where the disputed record is described; and (2) a proposed scheduling order to govern the timing of further proceedings in this action, including deadlines for the submission of a revised, combined *Vaughn* index, which is described below; any supplementary declarations; and any further dispositive motions; and it is further

ORDERED that a revised, combined *Vaughn* index shall include all of the disputed documents, both GM and Chrysler, with numbered entries for all remaining disputed documents.

The *Vaughn* index shall detail:

- (a) for each withheld document that is not contested by the plaintiff because the information falls into in categories (2) (GM and Chrysler compensation and benefits

information) or (4) (GM dealers and dealer networks), or was withheld, in whole or part, under Exemption 6, how the defendants' segregation obligation has been met;

(b) for all other disputed documents **(i)** the precise source of the information; **(ii)** how competitors may affirmatively use the withheld information; **(iii)** whether withheld information pertains generally to the old or new companies, or both, and to assets or liabilities, specifying the type of asset or liability and the placement of such asset or liability with the old or new companies; and **(iv)** whether withheld information pertains to practices used by the old companies and, if so, how those practices still apply to the new companies and whether those practices have been publicly revealed or discussed.

SO ORDERED.

Date: September 30, 2015



Digitally signed by Hon. Beryl A. Howell
DN: cn=Hon. Beryl A. Howell, o=U.S.
District Court for the District of Columbia,
ou=United States District Court Judge,
email=howell_chambers@dcd.uscourts.g
ov, c=US
Date: 2015.09.30 17:53:16 -04'00'

BERYL A. HOWELL
United States District Judge