

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

RICHARD EDELMAN,

Plaintiff,

v.

SECURITIES AND EXCHANGE
COMMISSION,

Defendant.

Civil Action No. 14-1140 (RDM)

ORDER

For the reasons stated in the Court’s concurrently issued Memorandum Opinion, Dkt. 24, the Court hereby **ORDERS** that:

(1) The SEC’s motion for summary judgment, Dkt. 15, is hereby **GRANTED** in part and **DENIED** in part. The Court hereby grants summary judgment to the SEC except with respect to (a) its treatment of the 113 pages of attorney notes it located in responding to Edelman’s first and fourth requests, *see* Dkt. 24 at 19–32; (b) its interpretation of Edelman’s fourth request, *see id.* at 32–35; and (c) its withholding of three sentences from Document 1 under Exemption 5, *see id.* at 40–41.

(2) Edelman’s cross-motion for summary judgment, Dkt. 16, is hereby **GRANTED** in part and **DENIED** in part.

(3) The SEC shall conduct additional searches for records responsive to Edelman’s first and fourth requests consistent with the Court’s Opinion. Specifically, the SEC shall (a) search and index the 113 pages of attorney notes it initially located and (b) search for any records that are responsive to Edelman’s fourth request, construed as a request for “consumer complaints.”

The SEC shall release any records that it determines are responsive to Edelman's requests and are not protected by FOIA on or before April 25, 2016.

(4) The SEC may submit a renewed motion for summary judgment, on or before April 25, 2016, accompanied by the following:

(a) A supplemental *Vaughn* index, or its equivalent, detailing any records that it finds during the searches described above and concludes are responsive to Edelman's requests but declines to produce, either because they are not "agency records" in light of the discussion in the Court's Opinion or because they are exempt under FOIA.

(b) An unredacted version of Document 1 for the Court's *in camera* review. If the SEC deems it necessary, it may file a redacted version of its renewed motion for summary judgment and an unredacted version accompanied by an *in camera* declaration regarding this document.

(c) Any other evidentiary submissions, including supplemental declarations, that the SEC deems appropriate.

(5) Edelman may submit a renewed cross-motion for summary judgment and opposition to the SEC's motion for summary judgment, limited to the issues described above, on or before May 25, 2016.

(6) The SEC may submit a reply in support of its renewed motion for summary judgment and opposition to Edelman's cross-motion for summary judgment on or before June 24, 2016.

(7) Edelman may submit a reply in support of his motion for summary judgment on or before July 8, 2016.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: March 24, 2016