

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DETENTION WATCH NETWORK, et al., :  
Plaintiffs, :  
:  
-against- :  
:  
UNITED STATES IMMIGRATION AND :  
CUSTOMS ENFORCEMENT, et al., :  
Defendants. :  
X  
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14 Civ. 583 (LGS)  
ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 14, 2016, Plaintiffs’ motion for partial summary judgment was granted and Defendants’ cross-motion for partial summary judgment was denied;

WHEREAS, on September 1, 2016, the GEO Group, Inc. (“GEO”) and the Corrections Corporation of America’s (“CCA”) request for leave to intervene were granted for the sole purpose of appealing the Court’s July 14, 2016 Opinion and Order (the “Opinion”);

WHEREAS, GEO filed a pre-motion letter on October 3, 2016, requesting that the Court enter a second order requiring Defendants to produce the documents at issue or clarify that the July 14 Order requires the immediate production of documents and stay the obligation pending the resolution of GEO’s appeal;

WHEREAS, Plaintiffs filed a letter on October 10, 2016, stating that they do not oppose GEO and CCA’s attempt to seek a clarifying order, but oppose the Intervenor-Defendants’ request for a stay pending appeal;

WHEREAS, CCA filed a letter on October 18, 2016, in opposition to Plaintiffs’ letter; it is hereby

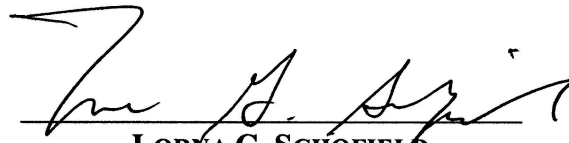
**ORDERED** that Intervenor-Defendants’ request to clarify the Opinion is GRANTED. The Opinion, which granted Plaintiffs’ motion for partial summary judgment and denied

Defendants' cross-motion for partial summary judgment, held that Freedom of Information Act ("FOIA") exemptions 4 and 7(E), 5 U.S.C. § 552(b)(4) and 5 U.S.C. § 552(b)(7)(E), are not properly asserted to withhold unit prices, bed-day rates and staffing plans in government contracts with private detention facility contractors and that the requested information "must be produced." The Opinion is a "turnover order" that requires immediate disclosure of the requested materials at issue. *See e.g., Ferguson v. FBI*, 957 F.2d 1059, 1063 (2d Cir. 1992). The Opinion was intended to require the Government to produce documents previously withheld pursuant to Exemptions 4 and 7(E) containing unit prices, bed-day rates and staffing plans. However, the Government's obligation to produce the documents is temporarily **STAYED** pending the resolution of the pre-motion letters and request for a conference. It is further

**ORDERED** that Intervenor-Defendants' request for a pre-motion conference is **GRANTED**. The parties and Defendant-Intervenors shall appear for a conference on **November 15, 2016, at 11:20 a.m.**

SO ORDERED.

Dated: October 20, 2016  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**