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Attorneys for Defendant UNITED STATES DEPARTMENT OF LABOR

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR INVESTIGATIVE REPORTING and WILL EVANS, Plaintiffs, v. UNITED STATES DEPARTMENT OF LABOR, Defendant.	Case No. 22-cv-07182-RS **STIPULATED REQUEST TO LIFT STAY AND TO CONTINUE CASE MANAGEMENT CONFERENCE**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties submit the following stipulated request to lift the stay on the Court's order and to continue the Case Management Conference, currently scheduled for February 12, 2026.

1. The parties previously briefed cross-motions for summary judgment regarding Defendant's withholding of the EEO-1 reports of five bellwether objectors under Exemption 4 of the Freedom of Information Act ("FOIA"). On December 22, 2023, this Court granted in part and denied in part the cross-motions. The Court held, *inter alia*, that the EEO-1 reports are not commercial in nature and therefore do not qualify under Exemption 4. Dkt. No. 51. The Court ordered Defendant to

"produce the remaining EEO-1 reports at issue within 28 days" of the order. *Id.* at 13. Pursuant to stipulation, the release deadline was extended to February 20, 2024. Dkt. No. 53.

2. Defendant filed a notice of appeal and a motion to stay pending appeal. Dkt. No. 58. The Court temporarily stayed the production of reports pending a further ruling. Dkt. No. 59. No further ruling has issued, and therefore the Court's temporary stay remains in effect.

3. Following appeal, the Ninth Circuit held that "[t]he information in the bellwethers' EEO reports is not 'commercial'" and affirmed "the district court's order concluding that the Department must disclose the reports on that basis alone." Dkt. No. 72 at 16. The Ninth Circuit's mandate issued on December 29, 2025. Dkt. No. 75.

4. The parties have met and conferred, and agree on the following schedule for the release of EEO-1 reports:

a. The parties request that the stay be lifted as of February 9, 2026;

b. Defendant shall release the bellwether objectors' EEO-1 report data by February 11, 2026;

c. Defendant shall provide notice to the non-bellwether contractors of its intention to release their EEO-1 report data on February 11, 2026;

d. Defendant shall release the data of non-bellwether contractors on February 25, 2026.

5. Accordingly, the parties respectfully request that the Court lift the temporary stay as of February 9, 2026, and order production of the bellwether objectors' EEO-1 report data by February 11, 2026.

6. The remaining additional issues in this case are: (1) whether the EEO-1 reports of the 621 entities deemed by the Department of Labor ("DOL") not to be federal contractors during the relevant period were properly withheld, and (2) the issue of attorney's fees and costs for the entire matter.[1] The

[1] Pursuant to an unopposed motion in the Ninth Circuit, the issue of attorneys' fees and costs incurred on appeal was transferred to this Court. Dkt. No. 77; *see also* Dkt. No. 68 (ordering that "Any motion for attorney's fees and costs pursuant to Federal Rule of Civil Procedure 54(d) may be filed no later than fourteen days after the entry of judgment by this Court or sixty days after the Ninth Circuit's mandate, Fed. R. App. Proc. 41, issues in defendant's pending appeal, whichever is later.").

parties are continuing to meet and confer on these issues in an attempt to resolve them without further involvement of the Court.

7. In addition, counsel for Defendant will be on a work trip in South Carolina on February 12, 2026, and will be on leave on February 19. The parties respectfully request that the case management conference be continued until March 12, 2026, in light of counsel's unavailability and to give the parties additional time to meet and confer.

IT IS SO STIPULATED.

DATED: February 5, 2026

Respectfully submitted,

CRAIG H. MISSAKIAN
United States Attorney

*/s/ Pamela T. Johann**
PAMELA T. JOHANN
Assistant United States Attorney

Attorneys for Defendant

DATED: February 5, 2026

CANNATA O'TOOLE & OLSON

/s/ Zachary E. Colbeth
ZACHARY E. COLBETH

Attorneys for Plaintiffs

**The filer of this document hereby attests pursuant to Civil Local Rule 5-1(i)(3) that all signatories have concurred in the filing of this document.*

[PROPOSED] ORDER

Pursuant to the stipulation of the parties and good cause appearing therefor,

1. The temporary stay on the release of the EEO-1 reports is lifted as of February 9, 2026.

2. Defendant shall release the requested EEO-1 data of the five bellwether objectors by February 11, 2026.

3. Defendant shall provide notice on February 11, 2026 to the non-bellwether contractors of its intention to release their EEO-1 report data on February 25, 2026.

4. The Case Management Conference scheduled for February 12, 2026, is continued until March 12, 2026, at 10:00 a.m. The parties shall provide a status report by March 5, 2026.

IT IS SO ORDERED.

DATED:_____

_____
RICHARD SEEBORG
United States Chief District Judge

General Information

Case Name	Center for Investigative Reporting et al v. United States Department of Labor
Court	U.S. District Court for the Northern District of California
Date Filed	Tue Nov 15 00:00:00 EST 2022
Judge(s)	Richard G. Seeborg
Federal Nature of Suit	Statutes: Freedom of Information Act [895]
Docket Number	3:22-cv-07182
Parties	Will Evans; Center for Investigative Reporting; United States Department of Labor

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