

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

COMPETITIVE ENTERPRISE INSTITUTE)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 14-765 (GK)
)	
OFFICE OF SCIENCE AND)	
TECHNOLOGY POLICY)	
)	
Defendant.)	

[PROPOSED] ORDER

Upon consideration of Plaintiff’s Motion to Compel Preservation of Private Emails, and the memoranda in support and opposition thereto, it is hereby ORDERED that Plaintiff’s motion is GRANTED.

Defendant OSTP shall have its FOIA staff (such as Rachael Leonard) search the jholdren@whrc.org email account for potentially responsive records. The search shall be conducted within ten days of the date of this Order, by an OSTP employee other than Dr. John Holdren. Dr. Holdren shall either log in to the account to enable FOIA staff to conduct the search; or furnish, input, or enter any password or log-in information that is needed for them to conduct such search. OSTP shall identify and collect any emails (including attached records) sent or received since March 19, 2009 that are OSTP-related, including, *inter alia*, any emails since March 19, 2009 that either (a) involve discussion of OSTP activity, or discussion or formulation of government policy, or (b) contain the word “OSTP” or “Office of Science” or “policy” or “policies,” or (c) are sent to or from a “.gov” email address. Once they are collected, OSTP shall

store the emails (including attachments thereto) in its official record systems, in a safe place where they will not be at risk of loss or deletion.

John Holdren is hereby ORDERED to preserve, and not delete, any emails in the account, and to disable any auto-deletion programs in the account. Dr. Holdren is also hereby ORDERED to submit a declaration indicating whether he has deleted any emails in the account since October 16, 2013, the date on which plaintiff submitted its FOIA request; whether his email account contains any auto-deletion program; and whether he has disabled all such auto-deletion programs in his account. That declaration shall be submitted within ten days of the date of this Order.

If emails have been deleted from the jholdren@whrc.org account itself, since October 16, 2013, but those emails are present in any archive of emails located on Dr. Holdren's home computer, he shall indicate this fact in his declaration, and allow OSTP FOIA staff to identify and collect any OSTP-related emails sent or received since March 19, 2009, that are contained in such an archive, including, *inter alia*, any emails since March 19, 2009 that either (a) involve discussion of OSTP activity, or discussion or formulation of government policy, or (b) contain the word "OSTP" or "Office of Science" or "policy" or "policies", or (c) are sent to or from a ".gov" email address.

Dated: _____

GLADYS KESSLER
United States District Judge