

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VERN MCKINLEY,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 10-420 (EGS)
)	
FEDERAL DEPOSIT INSURANCE)	
CORPORATION,)	
)	
Defendant.)	

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that the defendant's motion to dismiss is **DENIED**.

It is further

ORDERED that the plaintiff's motion for summary judgment is **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART**. It is further ordered that this matter is remanded to the FDIC so that it may (1) either conduct new searches for the records sought by plaintiff or submit declarations that adequately demonstrate that the agency employed search methods reasonably likely to lead to discovery of records responsive to the plaintiff's requests; and (2) demonstrate that responsive documents have been produced to plaintiff, and that responsive documents and parts of documents not provided to plaintiff have been properly withheld under FOIA or Sunshine Act exemptions claimed by the FDIC. It is further

ORDERED that the parties shall file a joint status report, including recommendations for further proceedings, within thirty days of the issuance of this Order.

SO ORDERED.

SIGNED: Emmet G. Sullivan
United States District Court Judge
December 23, 2010