

1 MELINDA HAAG (CSBN 132612)  
United States Attorney  
2 JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
3 NEILL T. TSENG (CSBN 220348)  
Assistant United States Attorney  
4  
5 450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7155  
6 FAX: (415) 436-6927  
neill.tseng@usdoj.gov  
7

8 Attorneys for Defendant  
U.S. CUSTOMS AND BORDER PROTECTION

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 EDWARD HASBROUCK, ) No. C 10-03793 RS  
14 Plaintiff, )  
15 v. ) **DEFENDANT’S STATEMENT OF**  
16 U.S. CUSTOMS AND BORDER ) **ERRATUM**  
PROTECTION, )  
17 Defendant. )  
18

19 Defendant U.S. Customs and Border Protection (“Defendant” or “CBP”) hereby submits the  
20 following Statement of Erratum pertaining to Defendant’s Motion for Summary Judgment (Doc.  
21 #31) filed on June 3, 2011. In that document, the “Issues to Be Decided” section on page 1 should  
22 have read as follows:

23 **ISSUES TO BE DECIDED**

24 A. Did CBP properly withhold the information listed on its Vaughn index<sup>1</sup> and further  
25

26 <sup>1</sup> The term “Vaughn Index” originated from Vaughn v. Rosen, 484 F.2d 820  
27 (D.C.Cir.1973), cert. denied, 415 U.S. 977, 94 S.Ct. 1564, 39 L.Ed.2d 873 (1974),  
28 wherein the court rejected an agency’s conclusory affidavit stating that requested  
FOIA documents were subject to exemption. Id. at 828. “A Vaughn Index must:

1 described in the Declaration of Shari Suzuki under Freedom of Information Act (“FOIA”)  
2 Exemption (b)(7)(E)?

3 B. Did CBP properly withhold the information described in the Declaration of Laurence  
4 Castelli because it was personally identifying information pertaining to third parties who had not  
5 given written consent to disclosure or because it was exempt under Privacy Act Exemptions (j)(2)  
6 and (k)(2)?

7 C. Did CBP conduct adequate searches under FOIA and the Privacy Act?

8 Dated: June 6, 2011

Respectfully submitted,

MELINDA HAAG  
United States Attorney

\_\_\_\_\_  
/s/  
NEILL T. TSENG  
Assistant United States Attorney

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

(1) identify each document withheld; (2) state the statutory exemption claimed; and (3) explain how disclosure would damage the interests protected by the claimed exemption.” Citizens Comm’n on Human Rights v. FDA, 45 F.3d 1325, 1326 n. 1 (9th Cir.1995). This detailed affidavit “ ‘permit[s] the court system effectively and efficiently to evaluate the factual nature of disputed information.’ ” John Doe Agency v. John Doe Corp., 493 U.S. 146, 149 n. 2, 110 S.Ct. 471, 474 n. 2, 107 L.Ed.2d 462 (1989) (quoting Vaughn, 484 F.2d at 826).

Spurlock v. F.B.I., 69 F.3d 1010, 1012 n.1 (9th Cir. 1995).