

19-547 FISH AND WILDLIFE SERVICE V. SIERRA CLUB, INC.

DECISION BELOW: 925 F.3d 1000

LOWER COURT CASE NUMBER: 17-16560

QUESTION PRESENTED:

Whether Exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5) (2012), by incorporating the deliberative process privilege, protects against compelled disclosure a federal agency's draft documents that were prepared as part of a formal interagency consultation process under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, and that concerned a proposed agency action that was later modified in the consultation process.

CERT. GRANTED 3/2/2020