

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

ELECTRONIC PRIVACY)
INFORMATION CENTER,)
)
Plaintiff,)
)
v.)
)
UNITED STATES)
DEPARTMENT OF JUSTICE,)
)
Defendant.)
_____)

Case No. 1:13-cv-01961-KBJ

JOINT STATUS REPORT AND PROPOSED SCHEDULE

The parties, plaintiff the Electronic Privacy Information Center (“EPIC”) and Defendant the United States Department of Justice (“DOJ”), by and through their undersigned counsel, respectfully provide this Joint Status Report pursuant to the Court’s Minute Order dated March 31, 2014. In that Order, the Court instructed the parties to file a joint report by August 12, 2014 “informing the Court of the status of defendants response to plaintiff’s FOIA request and proposing dates for further proceedings, as appropriate[.]” *Id.* The parties report as follows:

1. Defendant has completed processing plaintiff’s FOIA request except, as discussed further below, it continues to process one document that defendant anticipates will be released, in part, to plaintiff shortly. On August 7, 2014, defendant completed processing and produced to plaintiff the portions of the other remaining documents responsive to plaintiff’s FOIA request located in defendant’s search, while withholding certain information that defendant has determined is exempt from FOIA, 5 U.S.C. § 552(b).

2. Consultation within the Executive Branch concerning the single remaining document is taking longer than defendant had anticipated. Some information in the document in question will be withheld as national security information classified pursuant to Executive Order. The Government is working to appropriately redact that classified or otherwise exempt material and segregate the remainder of the document for release to plaintiff. Defendant now anticipates that processing of that document will be complete by August 22, 2014.

3. Based on its review of material previously produced and information currently available, plaintiff plans to challenge (1) the sufficiency of defendant's search for responsive records, (2) the segregability of redacted material, (3) certain withholdings marked as "non-responsive," (4) withholdings pursuant to Exemption 1, (5) withholdings pursuant to Exemption 3, and (5) withholdings pursuant to Exemption 7(E).

4. In an effort to facilitate discussions between the parties and to narrow, and to obtain certainty concerning, the areas in dispute prior to motions practice, plaintiff has requested and defendant intends to provide plaintiff with a draft, unclassified *Vaughn* index or description of withheld material.

5. The parties jointly suggest the following schedule for further proceedings in this action:

- Defendant will provide plaintiff with a draft *Vaughn* index on or before September 11, 2014
- Plaintiff will inform defendant, through counsel, what plaintiff intends to challenge on or before September 18, 2014
- Defendant will file its Motion for Summary Judgment on or before October 17, 2014
- Plaintiff will file its consolidated Opposition and Cross-Motion for Summary Judgment on or before November 14, 2014
- Defendant will file its consolidated Opposition and Reply on or before December 5, 2014

- Plaintiff will file its Reply on or before December 19, 2014

Dated August 8, 2014

Respectfully submitted,

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EXECUTIVE DIRECTOR
ELECTRONIC PRIVACY INFORMATION CENTER

/s/ Alan Jay Butler

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