

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

ELECTRONIC FRONTIER FOUNDATION,)	
)	
)	
Plaintiff,)	
)	Civil Action No. 17-cv-1039
v.)	
)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	
)	

JOINT STATUS REPORT

Plaintiff Electronic Frontier Foundation (“Plaintiff”) and Defendant United States Department of Justice (“Defendant”), by and through undersigned counsel, respectfully submit this joint status report. Pursuant to the Court’s Order of April 17, 2019, the parties have conferred and state as follows.

1. On April 17, 2019 this Court granted in part and denied in part Defendant’s Motion for Summary Judgment, and denied Plaintiff’s Cross-Motion for Summary Judgment. *See* ECF No. 24. The Court ordered that the parties file a status report on or before May 3, 2019 that proposes a schedule for further proceedings. *Id.*
2. The parties have agreed on the following next steps in this FOIA action. First, the FBI will perform searches in response to all four parts of Plaintiff’s FOIA request. That is, the FBI will no longer assert a *Glomar* response as to any aspect of Plaintiff’s request.

3. Second, the FBI will re-examine those responsive documents containing the name of a convicted individual. *Id.* at 16-18. The FBI will determine the propriety of releasing that name depending on the privacy concerns present.

4. Third and finally, the FBI will re-process the records in the four informant files of those informants who were publicly named in the *Rettenmaier* litigation, and will release any segregable, non-exempt records therein, in lieu of its previous categorical withholding of these files. *See id.* 19-23.

5. Given the significant sensitivity in processing information from an informant file, the FBI anticipates that the steps set forth above, especially concerning the informant files, will require multiple levels of internal review. In addition, the FBI does not know how much time will be required to complete searching for documents responsive to all aspects of Plaintiff's request. However, the FBI estimates that processing and releasing non-exempt information from the informant files will require approximately 90 days.

6. Accordingly, the parties agree on the following production schedule and respectfully request that the Court order the schedule below.

7. The FBI will begin rolling productions of non-exempt, responsive documents which have been fully processed on or before August 5, 2019, and will make further productions every four weeks thereafter until production is complete. In addition, the parties will provide Joint Status Reports to the Court every 60 days, to update the Court as to the status of the case. The first such Joint Status Report will be due on July 5, 2019.

Respectfully submitted this 3rd day of May 2019.

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