

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

LAURA POITRAS,

Plaintiff,

v.

**U.S. DEPARTMENT OF HOMELAND SECURITY,
ET AL.,**

Defendants.

Case No. 1:15-cv-1091 (KBJ)

JOINT STATUS REPORT

Pursuant to the Court's October 22, 2015 minute order, the parties have conferred and hereby submit this Joint Status Report.

1. This is an action for injunctive relief under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. On July 13, 2015, Plaintiff Laura Poitras filed a Complaint against Defendants the Department of Homeland Security (DHS), the Department of Justice (DOJ), and the Office of the Director of National Intelligence (ODNI). The Complaint relates to FOIA requests Plaintiff submitted to DHS and its components U.S. Customs and Border Protection ("CBP"), U.S. Citizenship and Immigration Services ("CIS"), U.S. Immigration and Customs Enforcement ("ICE"), and Transportation Security Administration ("TSA"); DOJ and its component Federal Bureau of Investigation ("FBI"); and ODNI. Defendants filed their answer on August 19, 2015.

2. As a FOIA action, this case is exempted by Local Civil Rule 16.3(b)(9) from the initial disclosure requirement of Federal Rule of Civil Procedure 26(a)(1)(E), as well as from the conference requirements of Federal Rule of Civil Procedure 16(b) and 26(f) and Local Civil Rule 16.3.

3. On October 2, 2015, the parties filed a joint status report reflecting their agreement on a schedule for initial productions and further processing of responsive records. In particular, the parties agreed that (i) FBI, CBP, and TSA would begin producing non-exempt responsive records no later than November 13, 2015, (ii) that ODNI would provide Plaintiff with an interim or final response to her administrative appeal no later than November 13, 2015, and (iii) that any agency or agency component that has responsive records and has not provided a final response by November 13, 2015 would continue to search for, review, and produce any non-exempt responsive records that they discover on a rolling basis. In addition, the parties agreed that they would file a second Joint Status Report on November 16, 2015 updating the Court on the status of this case and proposing a schedule for further production, including the anticipated number of potentially responsive records and the anticipated dates for the completion of Defendants' processing of the responsive records.

4. Consistent with the parties' agreement, TSA, CBP, and FBI have each produced records responsive to Plaintiff's FOIA requests. In particular, TSA released 21 pages of responsive material, thereby completing its production; (ii) FBI released 85 pages of responsive material over the course of two interim productions; and (iii) CBP released an interim production with 712 pages of responsive material.

5. For its part, ODNI provided Plaintiff with a final response to her administrative appeal. The response explained that ODNI could neither confirm nor deny the existence of responsive materials in the agency's classified holdings. The response also explained that ODNI had conducted a search of its unclassified records, including human resource, security and personnel records, and that no responsive records were located. Finally, in response to a November 5, 2015 letter from Plaintiff clarifying that Plaintiff's FOIA request includes all

responsive “public source materials,” ODNI advised that it would “search its unclassified files and process any public records that are responsive to the request.”

6. FBI and CBP continue to make progress in reviewing and processing records, and both agencies intend to complete their production within 90 days, or on or before February 15, 2016. The agencies assert it is possible that future developments may require this date to be extended, in which case the parties will confer to ascertain whether they can reach an agreement with respect to a revised completion date without the Court’s intervention. The parties will file a third joint status report on February 18, 2016, to update the Court on the Government’s progress. ODNI is not yet prepared to provide an estimate as to how long it will take to complete processing of responsive public source materials, though it expects the process to be fairly time consuming. ODNI will notify Plaintiff of an expected timetable as soon as it becomes available. The parties are prepared to begin summary judgment briefing within 45 days of the completion of the Government’s production process.

November 16, 2015

Respectfully submitted,

/s/ David L. Sobel

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