

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

THE PROTECT DEMOCRACY PROJECT, INC.

Plaintiff

vs.

DEPARTMENT OF HOMELAND SECURITY
CUSTOMS AND BORDER PROTECTION

Defendants.

17-cv-02202-RDM

JOINT STATUS REPORT

Plaintiff The Protect Democracy Project, Inc. and Defendants Department of Homeland Security (“DHS”) and Customs and Border Protection (“CBP”), by and through their undersigned counsel, report as follows the status of this Freedom of Information Act (“FOIA”) case.

Plaintiff initiated this action on October 24, 2017 in connection with FOIA requests that Plaintiff submitted to Defendants in August 2017.

The parties submitted a joint status report on February 15, 2019. See Joint Status Report (ECF No. 32). In the joint status report, Defendant CBP reported that the agency intended to continue reviewing the 26,000 pages of potentially responsive records that it had previously identified and to produce these records at the previously ordered rate of 500 pages per month. CBP further reported that the 500 pages per month that it produces will exclude non-responsive records and include only: (i) actually produced records; or (ii) records withheld on grounds of privilege rather than responsiveness.

Defendant DHS stated in the status report that the agency intended to provide Plaintiff with a summary of the remaining redactions in its productions to date on or before February 28, 2019. DHS also reported that it would be making a further production of documents on or before February 22, 2019 and would continue producing responsive records thereafter at the previously ordered rate of 350 pages per month.

Overview of Current Status – CBP

Defendant CBP made a production of 269 pages of records on February 11, 2019, and a further production of 527 pages of records on February 28, 2019. Defendant CBP thus is on schedule for its productions.

Overview of Current Status – DHS

Defendant DHS provided Plaintiff with a summary of its remaining redactions on March 13, 2019, which Plaintiff is reviewing for completeness. Defendant DHS has not produced any records in this case since December 7, 2018.

Conclusion

The Parties respectfully request that the Court enter an order directing that:

1. Defendant DHS submit, by April 1, 2019, a declaration executed by an appropriate agency employee explaining the reasons for its failure to comply with the agreed and ordered production schedule in this case; and
2. The Parties appear for a status conference during the weeks of April 8 or 15, 2019.

Respectfully submitted,

JESSIE K. LIU, D.C. Bar No. 472845
United States Attorney

DANIEL F. VAN HORN, D.C. Bar No. 924092
Chief, Civil Division

By: /s/ Scott Leeson Sroka
SCOTT LEESON SROKA
Member of the New York Bar
Assistant United States Attorney
555 Fourth Street, N.W.
Washington, D.C. 20530
Telephone: 202-252-7113
Scott.Sroka@usdoj.gov

Attorneys for Defendants

/s/ Nikhil V. Gore
Nikhil V. Gore (D.C. Bar No. 1019777)
David J. Iraola (D.C. Bar No. 230254)
Covington & Burling LLP
One CityCenter
850 Tenth Street NW
Washington, D.C. 20001
(202) 662-5918
ngore@cov.com

Laurence M. Schwartztol
The Protect Democracy Project
10 Ware Street
Cambridge, MA 02138
(202) 856-9191
larry.schwartztol@protectdemocracy.org

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, DAVID J. IRAOLA, certify that on March 15, 2019 true and correct copies of this Joint Status Report were served electronically on all registered counsel of record via ECF.

Dated: March 15, 2019

/s/ David J. Iraola

David J. Iraola (D.C. Bar No. 230254)
Covington & Burling LLP
One CityCenter
850 Tenth Street NW
Washington, D.C. 20001
(202) 662-5904
diraola@cov.com