

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

AMERICAN CIVIL LIBERTIES UNION OF MAINE, et al.,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 2:17-cv-132-GZS
	)	
U.S. CUSTOMS AND BORDER PROTECTION, et al.,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT AND MOTION FOR BRIEFING SCHEDULE FOR
PETITION FOR ATTORNEY FEES AND LITIGATION COSTS**

Pursuant to the Court’s January 26, 2018 Order (“scheduling order”) and Rule 7(b) of the Federal Rules of Civil Procedure, Plaintiffs, American Civil Liberties Union of Maine, American Civil Liberties Union of New Hampshire, American Civil Liberties Union of Vermont, American Civil Liberties Union of Massachusetts, American Civil Liberties Union of Connecticut, and American Civil Liberties Union of Rhode Island (collectively, “Plaintiffs”), and Defendants, U.S. Customs and Border Protection and U.S. Department of Homeland Security (collectively, “the Government”), hereby file this Joint Status Report and Motion for Briefing Schedule for Attorney Fees and Litigation Costs, documenting the Government’s compliance with its production deadlines and requesting a briefing schedule for the Plaintiff’s attorney fee petition.

STATUS UPDATE

This is the sixth joint status report filed in this case regarding the Government’s compliance with the scheduling order. The scheduling order required that, by November 30, 2018, the Government must “complete processing all potentially responsive email messages and

attachments from the files of relevant custodians in the Boston Field Office and [release] all responsive, non-exempt such records to plaintiffs.” Order at 2, ECF No. 42 (Jan. 26, 2018). The parties agree that the Government has satisfied its production obligations under the scheduling order. Furthermore, the Plaintiffs do not intend to challenge the adequacy of the Government’s search or the validity of the claimed exemptions in this lawsuit under the Freedom of Information Act.

Regarding future proceedings, the Plaintiffs intend to request reasonable attorney fees and litigation expenses pursuant to 5 U.S.C. § 552(a)(4)(E). The parties agree to attempt to reach an agreement regarding attorney fees and litigation expenses. However, if the parties are unable to resolve the matter, the Plaintiffs respectfully request a deadline of February 22, 2019, to file their motion for attorney fee and expenses, to accommodate the upcoming holidays and a five-day Federal Court hearing in early February, which will require substantial preparation and time by the undersigned Plaintiffs’ counsel Zachary Heiden and Emma Bond. The parties jointly propose the following schedule for proceedings regarding attorney fees and costs:

- The parties shall attempt to come to an agreement regarding attorney fees and expenses no later than **January 31, 2019**;
- If the parties are unable to reach a resolution, the Plaintiffs shall file their motion for attorney fees and litigation expenses no later than **February 22, 2019**;
- The Government shall file its opposition to the Plaintiff’s motion for attorney fees and litigation expenses no later than **March 22, 2019**;

- The Plaintiffs shall file their reply in support of their motion for attorney fees and litigation expenses no later than **April 1, 2019**.

For these reasons, the Plaintiffs and the Government respectfully request that the Court grant the parties' proposed briefing schedule for the Plaintiff's motion for attorney fees and litigation expenses.

Dated: December 17, 2018

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Director, Federal Programs Branch

/s/ Michael Drezner
MICHAEL L. DREZNER (VA Bar No.
83836)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530
Tel.: (202) 514-4505
Fax: (202) 616-8470
Email: Michael.L.Drezner@usdoj.gov

Attorneys for Defendants
U.S. Department of Homeland Security and
U.S. Customs and Border Protection

/s/ Zachary L. Heiden
Zachary L. Heiden
ACLU of Maine Foundation
121 Middle Street, Suite 200
Portland, Maine 04103
Tel: (207) 619-6224
zheiden@aclumaine.org

/s/ Emma E. Bond
Emma E. Bond
ACLU of Maine Foundation
121 Middle Street, Suite 200
Portland, Maine 04103
Tel: (207) 619-8687
ebond@aclumaine.org

Jennifer A. Archer
Kelly, Remmel & Zimmerman
53 Exchange Street
P.O. Box 597
Portland, Maine 04112
(207) 420-3859
jarcher@krz.com

Attorney for Plaintiffs
American Civil Liberties Union of Maine,
American Civil Liberties Union of New
Hampshire,
American Civil Liberties Union of Vermont,
American Civil Liberties Union of
Massachusetts,
American Civil Liberties Union of Rhode
Island, and
American Civil Liberties Union of
Connecticut

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2018, I electronically filed the Joint Status Report with the Clerk of Court using the CM/ECF system which will send notification of such filings to all counsel of record.

/s/ Emma E. Bond
Emma E. Bond
ACLU of Maine Foundation
121 Middle Street, Suite 200
Portland, Maine 04103
Tel: (207) 619-8687
ebond@aclumaine.org