

Neel Chatterjee (SBN 173985)
nchatterjee@goodwinlaw.com
Andrew Ong (SBN 267889)
aong@goodwinlaw.com
GOODWIN PROCTER LLP
601 Marshall Street
Redwood City, CA 94063
Tel: +1 650 752 3100
Fax: +1 650 853 1038

Hayes P. Hyde (SBN 308031)
hhyde@goodwinlaw.com
GOODWIN PROCTER LLP
Three Embarcadero Center
San Francisco, CA 94111
Tel: +1 415 733 6000
Fax: +1 415 677 9041

Attorneys for Plaintiff

William S. Freeman (SBN 82002)
wfreeman@aclunc.org
**AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA**
39 Drumm Street
San Francisco, CA 94111
Tel: +1 415 621 2493
Fax: +1 415 255 8437

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION OF
NORTHERN CALIFORNIA,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Defendant.

Case No. 3:18-cv-4105-LB

**UPDATED JOINT CASE MANAGEMENT
STATEMENT**

Date: May 14, 2020
Time: 9:30 a.m.
Courtroom: Courtroom B, 15th Floor
Judge: Hon. Laurel Beeler

JOINT CASE MANAGEMENT STATEMENT

The parties submit this joint case management statement in advance of the upcoming May 14, 2020 case management conference. The parties have included only sections that have changed since their Joint Case Management Statement of September 19, 2019 (Dkt. No. 44), and incorporate by reference all remaining sections from their previous statement.

Factual Background

By letters dated December 18, 2017 and April 6, 2018, Plaintiff American Civil Liberties Union of Northern California (“ACLU-NC” or “Plaintiff”) submitted two Freedom of Information Act (“FOIA”) requests to the U.S. Department of Homeland Security, Immigration and Customs Enforcement (“ICE” or “Defendant”) seeking records about ICE’s transport of individuals in immigration custody in ICE’s San Francisco Area of Responsibility. A description of the records requested in the December 18, 2017 and April 6, 2018 FOIA requests was included as Plaintiff’s attachments to prior joint CMC statements. *See* Dkt. Nos. 29-1 & 32-1. Given the large corpus of potentially-responsive documents, Defendant agreed to conduct searches for documents responsive to a Targeted List of FOIA Requests provided by Plaintiff in order to streamline the document search, review, and production process.

Plaintiff’s Statement on Status of FOIA Production

In the last case management conference on September 26, 2019, the Court ordered an increase in the size of ICE’s productions from 500 pages per month to 750 pages per month. Since then, Defendant has not raised any further issues relating to the scope of Plaintiff’s requests or its ability to meet the increased production requirement. Based on Plaintiff’s records, it last received a FOIA production from Defendant in February 2020. However, Defendant recently provided letters associated with productions for March and April 2020. Plaintiff is working with Defendant to get access to these productions and to avoid any potential issues moving forward. Plaintiff has no further updates at this time.

Defendant’s Statement on Status of FOIA Production

Defendants have continued to review and produce documents at the rate ordered by the Court on September 26, 2019. Since that time, Defendants have made eight monthly productions (October

1, 2019; October 29, 2019; November 26, 2019; December 30, 2019; January 24, 2020; February 11, 2020; March 30, 2020; and April 29, 2020). These are Defendants' tenth through seventeenth productions to Plaintiff in this matter. Plaintiff recently indicated that it had not received a FOIA production since February, upon which counsel for Defendants forwarded the cover letters associated with the March and April 2020 productions, which were provided in the same manner as prior productions. Defendant agrees to work with Plaintiff to provide access to these productions and develop any further protocol that are necessary and possible during Shelter-in-Place restrictions with the ongoing pandemic.

Dated: May 7, 2020

Respectfully submitted,

By: /s/ Andrew Ong

Neel Chatterjee
 nchatterjee@goodwinlaw.com
 Andrew Ong
 aong@goodwinlaw.com
 Hayes P. Hyde
 hhyde@goodwinlaw.com
GOODWIN PROCTER LLP

William S. Freeman
 wfreeman@aclunc.org
**AMERICAN CIVIL LIBERTIES
 UNION FOUNDATION OF
 NORTHERN CALIFORNIA**

Attorneys for Plaintiff

DATED: May 7, 2020

DAVID ANDERSON
 United States Attorney

By: /s/ Kenneth Brakebill

KENNETH BRAKEBILL
 Assistant United States Attorney

ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that I obtained the concurrence in the filing of this document from the signatories indicated by the conformed signature (/s/).

/s/ Andrew Ong
Andrew Ong

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on May 7, 2020. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on May 7, 2020, in San Francisco, California.

/s/ Andrew Ong
Andrew Ong