

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,

Plaintiff,

V.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Case No. 18-01854 (ABJ)

JOINT STATUS REPORT (SECOND)

The parties, by counsel and pursuant to this Court’s order of October 12, 2018, respectfully submit this joint status report:

1. At issue in this Freedom of Information Act (FOIA) lawsuit is Plaintiff Judicial Watch, Inc.'s May 29, 2018 request for the following records. This request seeks the following records from January 2016 to the present:

- a. All records from the Office of the Deputy Attorney General relating to Fusion GPS, Nellie Ohr and/or British national Christopher Steele, including but not limited to all records of communications about and with Fusion GPS officials, Nellie Ohr and Christopher Steele.
- b. All records from the office of former Associate Deputy Attorney General Bruce G. Ohr relating to Fusion GPS, Nellie Ohr and/or British national Christopher Steele, including but not limited to all records of communications (including those of former Associate Deputy Attorney General Ohr) about and with Fusion GPS officials, Nellie Ohr and Christopher Steele.
- c. All records from the office of the Director of the Organized Crime Drug Enforcement Task Force relating to Fusion GPS, Nellie Ohr and/or British national Christopher Steele, including but not limited to all records of communications (including those of former OCDETF Director Bruce Ohr) about and with Fusion GPS officials, Nellie Ohr and Christopher Steele.

This request seeks the following records from January 2016 to the present.

2. Defendant determined that the records Plaintiff seeks are reasonably expected to be within the Office of Information Policy (“OIP”), the Criminal Division (“CRM”), and the Organized Crime Drug Enforcement Task Force (“OCDETF”), all components of Defendant, the United States Department of Justice.

3. Plaintiff filed its complaint on August 7, 2018. Defendant answered on September 13, 2018. The parties have met and conferred regarding a schedule by which each Defendant component will make its production of any non-exempt portions of responsive records subject to the FOIA.

4. With respect to part (a), OIP has identified twelve custodians in the Office of the Deputy Attorney General (“DAG”),¹ including Mr. Ohr, who are reasonably likely to have records potentially responsive to Plaintiff’s request. In light of OIP’s current backlog of FOIA cases, OIP estimates it will take at least six months to complete this search without displacing other equally meritorious FOIA requests received by OIP from other requesters. Plaintiff recognizes that Defendant will undertake other searches and document productions during this time in response to parts (b) and (c) of Plaintiff’s FOIA request as set forth below and therefore, Plaintiff requests, and the parties agree, that Defendant will provide an update on the search in response part (a) of the request with the parties’ next joint status report.

5. With respect to part (b) of Plaintiff’s request, Defendant states the request overlaps in part with a previous request that Plaintiff made to OIP. OIP conducted a search in

¹ OIP’s Initial Request Staff is responsible for processing FOIA requests for records within OIP and from six senior leadership offices of the Department of Justice, specifically the Offices of the Attorney General (OAG), the Deputy Attorney General (ODAG), and the Associate Attorney General (OASG), and the Offices of Legislative Affairs (OLA), Legal Policy (OLP), and Public Affairs (PAO).

response to that previous request and is now reviewing the results of that search to assess responsiveness as to the present request. CRM is also in the process of conducting a search in response to Part (b), and this search is ongoing. Both OIP and CRM request an additional month to complete these tasks, after which time they will each propose a processing schedule as appropriate.

6. With respect to part (c), OCDETF has completed its search for potentially responsive records, and is currently reviewing and seeking consultations on approximately 1,500 pages of potentially responsive records. OCDETF will make its initial response to Plaintiff's request on December 1, 2018, with monthly rolling responses to follow, if necessary.

7. The parties submit that they will file a joint status report by December 7, 2018 to update the Court on the progress of the case and any recommendations for further proceedings, as appropriate.

Respectfully submitted,

/s/Ramona R. Cotca
Ramona R. Cotca (D.C. Bar No. 501159)
JUDICIAL WATCH, INC.
425 Third Street S.W., Suite 800
Washington, DC 20024
(202) 646-5172
rcotca@judicialwatch.org

Counsel for Plaintiff

October 19, 2018

CHAD READLER
Principal Deputy Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Michael J. Gerardi
Michael J. Gerardi (D.C. Bar No. 1017949)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW, Room 12212
Washington, DC 20005
Tel: (202) 616-0680
Fax: (202) 616-8460
E-mail: michael.j.gerardi@usdoj.gov

Counsel for Defendant

