

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

ELECTRONIC PRIVACY INFORMATION CENTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cv-121 (RCL)
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	
)	

**JOINT STATUS REPORT AND PROPOSED SCHEDULE FOR FURTHER
PROCEEDINGS**

Plaintiff Electronic Privacy Information Center and Defendant Federal Bureau of Investigation (“FBI”) hereby submit for the Court’s consideration the following Joint Status Report and Proposed Schedule for Further Proceedings.¹

Since the commencement of this FOIA lawsuit, the parties have conferred and discussed a schedule for further proceedings. Plaintiff’s FOIA request seeks four categories of documents (*see* Complaint ¶ 23), and the FBI possesses one or more documents responsive to the request. Accordingly, the parties hereby move the Court to enter an order imposing the following proposed schedule for further proceedings:

¹ On March 9, 2017, the Court entered an Order directing the Defendant to file dispositive motions within ten days of the entry date of that Order. ECF No. 9. In response to that Order, the FBI filed, on March 20, 2017, a consent motion to modify the Court’s March 9, 2017 Order. In that motion, the FBI requested a one-week extension of time in which to submit a joint status report outlining further action in this matter. ECF No. 10. That motion remains pending at this time. Consistent with the terms of that pending motion, the parties now submit this joint status report and proposed schedule for further proceedings.

- (1) The FBI shall produce all non-exempt records responsive to category 4 of Plaintiff's FOIA request or otherwise respond to that portion of Plaintiff's request by no later than May 11, 2017; and
- (2) The FBI shall produce all non-exempt records responsive to categories 2 and 3 of Plaintiff's FOIA request or otherwise respond to those portions of Plaintiff's request by no later than May 26, 2017; and
- (3) The FBI shall produce all non-exempt records responsive to category 1 of Plaintiff's FOIA request or otherwise respond to that portion of Plaintiff's request by no later than July 25, 2017; and
- (4) The parties shall file a joint status report by no later than August 8, 2017, proposing a schedule for dispositive motions, if necessary.

The FBI has notified Plaintiff that it may invoke FOIA's Exemption 7(A) in response to one or more of Plaintiff's requested categories of documents. In that event, the FBI may seek a bifurcated summary judgment briefing schedule pursuant to which the FBI would first be permitted to assert Exemption 7(A) over certain categories of records that it believes qualify for withholding in full under that exemption, while preserving its ability to assert other exemptions at a later time if the Court should rule that Exemption 7(A) does not apply to any of those records.

The adoption of the proposed production schedule will facilitate the efficient resolution of this lawsuit and conserve the Court's resources. Accordingly, the parties respectfully request that the Court enter the above-described schedule for further proceedings.

A proposed order reflecting this proposal is attached.

Dated: March 27, 2017

/s/ Alan Butler
Alan Butler

Respectfully submitted,

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Counsel for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2017, a copy of the foregoing pleading was filed electronically via the Court's ECF system which sent notification of such filing to counsel of record.

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