

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

SERVICE WOMEN’S ACTION)	
NETWORK, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 3:15-cv-137
)	
v.)	
)	July 23, 2015
U.S. DEPARTMENT OF DEFENSE,)	
)	
Defendant.)	
_____)	

DEFENDANT’S SECOND STATUS REPORT

Defendant, by its undersigned counsel, respectfully submits this status report pursuant to the Court’s Scheduling Order of May 1, 2015 (Doc. 27). In the paragraphs below, Defendant reports on the actions taken by the U.S. Military Academy at West Point (“West Point”), the U.S. Air Force Academy (“Air Force Academy”) and the U.S. Naval Academy (“Naval Academy”) (collectively “Military Service Academies” or “Academies”) in response to Plaintiffs’ FOIA requests to each Academy that are the subject of this action.

WEST POINT

1. West Point has completed reasonable searches designed to find all information in its possession responsive to Plaintiffs’ requests, and has provided all such responsive material, with the exception of Request No. 3. The Parties currently are negotiating the response to Request No. 3. *See infra.*

2. West Point provided all of its responsive material on May 6, 2015. The

documents produced by West Point total nearly 2,300 pages and 8 videos. West Point has not withheld any documents in full under the FOIA exemptions.

NAVAL ACADEMY

3. The Naval Academy had reported in its June 23, 2015 report that it had completed reasonable searches to find all information in its possession responsive to Plaintiffs' requests, and provided all such responsive material, with the exception of Request No. 3. However, the Naval Academy since located a few additional responsive documents and sent those documents to Plaintiffs on July 23, 2015. The parties currently are negotiating the response to Request No. 3. *See infra*.

4. The Naval Academy provided some of this information prior to the commencement of this litigation, further information on May 6, 2015, more on May 26, 2015, and completed its response on July 23, 2015. The documents produced by the Naval Academy total nearly 6,000 pages. The vast majority of these documents were produced in full, but some contain redactions pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552(b)(5) & 552(b)(6).¹ The Naval Academy has not withheld any documents in full under the FOIA exemptions.

AIR FORCE ACADEMY

5. The Air Force Academy has completed reasonable searches designed to find all information in its possession responsive to Plaintiffs' requests, and has provided

¹ Exemption 5 protects "inter-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). Exemption 6 protects information about individuals in "personnel and medical files and similar files" when disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." *Id.* § 552(b)(6)

all such responsive material, with the exception of Request No. 3. The Parties currently are negotiating the response to Request No. 3. *See infra*.

6. The documents produced by the Air Force Academy total 2,711 pages. The Air Force Academy has not withheld any documents in full under the FOIA exemptions. The vast majority of these documents were produced in full, but some contain redactions pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552(b)(5) & 552(b)(6).

SAMPLE APPLICATIONS (REQUEST NO. 3)

7. Plaintiffs' Request No. 3 seeks numerical data regarding the number of applicants to the Military Service Academies, and a random sample of such applications. At the April 24, 2015 conference, the parties agreed, and the Court ordered, that Defendant first would produce one representative application from each Military Service Academy by March 26, 2015, before the parties negotiate the scope of any random sample.

8. On March 26, 2015, Defendant provided to Plaintiffs the requested numerical data, and a representative application packet (the "Sample Packets") for each respective Academy. The Sample Packets contain redactions pursuant to Exemptions 5 and 6, 5 U.S.C. §§ 552(b)(5) & 552(b)(6).

9. On June 15, 2015, Plaintiffs sent an email to Defendant requesting additional information about the Sample Packets, including both additional descriptions of redacted information and some substantive follow-up questions. On July 13, 2015, Defendant responded to many of Plaintiffs' questions about the Sample Packets, including providing some additional descriptions of the redacted information.

10. The parties have continued to discuss the definition of “packet” for each Military Service Academy, including both the number of applications sought by Plaintiffs, and the option for Defendant to provide the statistical data sought by Plaintiffs in a form other than a random sample of application packets (*i.e.*, in the form of a spreadsheet). At this stage of the process, it remains unclear whether an agreement will be reached regarding the need for, or volume of, a random sample of application packets.

Dated: July 23, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2015, the foregoing Defendant's Second Status Report was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Emily B. Nestler

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