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10 *Attorneys for Plaintiff*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

15 AMERICAN CIVIL LIBERTIES UNION OF
16 NORTHERN CALIFORNIA,

17 Plaintiff,

18 v.

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

21 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

1 **JOINT CASE MANAGEMENT STATEMENT**

2 The parties submit this joint case management statement in advance of the upcoming May
3 14, 2020 case management conference. The parties have included only sections that have changed
4 since their Joint Case Management Statement of September 19, 2019 (Dkt. No. 44), and incorporate
5 by reference all remaining sections from their previous statement.

6 **Factual Background**

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

17 **Plaintiff’s Statement on Status of FOIA Production**

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

26 **Defendant’s Statement on Status of FOIA Production**

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

1 1, 2019; October 29, 2019; November 26, 2019; December 30, 2019; January 24, 2020; February 11,
2 2020; March 30, 2020; and April 29, 2020). These are Defendants' tenth through seventeenth
3 productions to Plaintiff in this matter. Plaintiff recently indicated that it had not received a FOIA
4 production since February, upon which counsel for Defendants forwarded the cover letters
5 associated with the March and April 2020 productions, which were provided in the same manner as
6 prior productions. Defendant agrees to work with Plaintiff to provide access to these productions
7 and develop any further protocol that are necessary and possible during Shelter-in-Place restrictions
8 with the ongoing pandemic.

9
10 Dated: May 7, 2020

Respectfully submitted,

11
12 By: /s/ Andrew Ong

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Attorneys for Plaintiff

20
21 DATED: May 7, 2020

DAVID ANDERSON
United States Attorney

22
23 By: /s/ Kenneth Brakebill

24 KENNETH BRAKEBILL
25 Assistant United States Attorney
26
27
28

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

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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

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