

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

)	
MUSLIM ADVOCATES, AMERICANS)	
UNITED FOR SEPARATION OF)	
CHURCH AND STATE, and)	
SOUTHERN POVERTY LAW CENTER,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:17-cv-02080-TSC
)	
U.S. DEPARTMENT OF STATE,)	Hon. Tanya S. Chutkan
U.S. DEPARTMENT OF HOMELAND)	
SECURITY, and)	
U.S. CUSTOMS AND BORDER)	
PROTECTION,)	
)	
Defendants.)	

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report pursuant to the Court’s order of January 27, 2018. The parties have met and conferred, and they report as follows:

1. Plaintiffs initiated this action under the Freedom of Information Act (“FOIA”) on October 5, 2017. (ECF No. 1). The complaint alleges that this action involves FOIA requests dated June 27, 2017, and submitted to the United States Department of State (“DOS”), United States Department of Homeland Security (“DHS”), and United States Customs and Border Protection (“CBP”) (collectively, “Defendants”). Defendants answered the complaint on January 26, 2018. (ECF No. 8).

2. Defendants have informed Plaintiffs that DOS, DHS, and CBP have initiated searches for records responsive to Plaintiffs' FOIA requests, and each will need additional time to conclude the searches. Because the searches are ongoing, and because the potentially responsive records are not located in one central repository, Defendants are currently unable to determine the total number of documents that are responsive to Plaintiffs' FOIA requests, and are thus unable to estimate the dates on which they will be able to complete their production of responsive, non-exempt records to Plaintiffs. However, based on the results of its review to date, Defendant anticipates that it will be able to release responsive, non-exempt records to Plaintiff on a rolling basis, with a first production likely to occur by March 23, 2018.

3. At this time, Defendants do not plan to seek an *Open America* stay.

4. Given that Defendants are in the process of searching for documents responsive to Plaintiffs' FOIA requests, and thus, have not yet completed their responses to Plaintiffs' FOIA requests, Defendants believe it is too early to determine whether they will need to prepare *Vaughn* indices. Plaintiffs anticipate that, once document production begins, they will request a *Vaughn* index in order to properly assess the basis for Defendants' withholding of responsive documents. Further, the parties believe it is premature to propose a schedule for the filing of dispositive motions.

5. The parties instead propose that they file with the Court a Second Joint Status Report on April 15, 2018, in which Defendants will provide the Court with an update on the status of Defendants' searches for responsive documents, and the parties will provide further information responsive to the Court's January 27 Order.

6. Plaintiffs separately state as follows: While the Defendants state that they cannot estimate the completion date for production until after they have completed their searches, the Plaintiffs believe that a completion date of June 1, 2018 gives the Defendants sufficient time to meet their legal obligations under FOIA.

Dated: February 20, 2018

Respectfully submitted,

/s/ David J. Weiner

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