

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

THE PROTECT DEMOCRACY PROJECT, INC.,

Plaintiff

vs.

DEPARTMENT OF HOMELAND SECURITY,  
CUSTOMS AND BORDER PROTECTION,  
OFFICE OF MANAGEMENT AND BUDGET,  
OFFICE OF PERSONNEL MANAGEMENT,

Defendants.

17-cv-02118-RDM

**JOINT STATUS REPORT**

Pursuant to the Court's March 5, 2020, Minute Order, Plaintiff The Protect Democracy Project, Inc., and Defendants the Department of Homeland Security ("DHS"), Customs and Border Protection ("CBP"), Office of Management and Budget ("OMB"), and Office of Personnel Management ("OPM"), by and through their undersigned counsel, report as follows the status of this Freedom of Information Act ("FOIA") case.

As indicated in the most recent status report, the parties have been conferring about the issue of attorneys' fees in this case and in case number 17-cv-2202.

The government reports that progress has recently been somewhat delayed, however, due to the ongoing work disruptions arising from the COVID-19 pandemic, which has kept government counsel away from the office since March (while simultaneously coordinating his three children's remote learning), and by government counsel's significantly-enhanced workload arising from the unavailability due to serious illness, since early April, of his colleague with whom he normally shares supervisory responsibility for the appellate matters of the Civil

Division of the U.S. Attorney's Office. Further, government counsel had two arguments in the D.C. Circuit on Friday, May 15, 2020, and preparation for those arguments, which presented unsettled legal questions involving the Prison Litigation Reform Act, required significant time and greatly limited counsel's time for other cases. Counsel for the parties, however, have remained in touch and hope that in the coming period they will be able to make further progress toward resolving both this matter and case 17-cv-2202.

Accordingly, the parties respectfully suggest that they be directed to submit a further joint status report by June 12, 2020. If the parties succeed in resolving this litigation before that time, they will promptly inform the Court.

Respectfully submitted,

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