

1 CHAD A. READLER
Principal Deputy Assistant Attorney General

2 BRIAN STRETCH
3 United States Attorney

4 ELIZABETH J. SHAPIRO
5 Deputy Branch Director

6 MATTHEW J. BERNS (DC Bar No. 998094)
Trial Attorney
7 (202) 616-8016
(202) 616-8470 (Fax)
8 Matthew.J.Berns@usdoj.gov
United States Department of Justice
9 Civil Division
Federal Programs Branch
10 20 Massachusetts Ave., N.W.
Washington, DC 20530

11 *Counsel for Defendants*

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

14 CORA CURRIER,

15 Plaintiff,

16 v.

17 DEPARTMENT OF HOMELAND SECURITY,
DEPARTMENT OF STATE,
18 DEPARTMENT OF JUSTICE, and
DEPARTMENT OF DEFENSE,

19 Defendants.

Case No. 3:17-cv-01799-JSC

JOINT STATUS REPORT

20 Plaintiff Cora Currier and Defendants—the Department of State (DOS), the Department of
21 Justice (DOJ), the Department of Defense (DOD), and the Department of Homeland Security (DHS)—
22 respectfully submit this Joint Status Report pursuant to the Court’s Minute Order of October 26, 2017
23 [ECF No. 33].¹

24 1. This case arises from multiple Freedom of Information Act (FOIA) requests submitted by
25 Plaintiff, dated February 1, 2017, and April 3, 2017. The requests seek records from the four defendant

26 ¹ The components of DOJ and DHS that are processing Plaintiff’s requests are: (1) the Executive Office
27 of United States Attorneys (“EOUSA”); (2) the Federal Bureau of Investigation (“FBI”); (3) the Office
of Legal Counsel (“OLC”); (4) the Office of Information Privacy (“OIP”); (5) the U.S. Marshals Service
28 (“USMS”); (6) the DHS Privacy Office (“DHS-PRIV”); (7) U.S. Customs and Border Protection (“CBP”);
and (8) DHS’s Office of the Inspector General (“DHS-OIG”).

1 agencies, including from multiple offices and/or sub-agencies within them.

2 2. The parties have been filing periodic joint status reports and participating in periodic
3 status conferences since the Court denied Plaintiff's Motion for Preliminary Injunction on August 24,
4 2017. The parties also have been conferring about the scope and prioritization of Plaintiff's FOIA
5 requests.

6 3. Updates since the last joint status conference, held on October 26, 2017, are below.

7 4. In addition, pursuant to the Court's Minute Order of October 26, 2017, the parties jointly
8 propose that the Court enter an order requiring the parties to file joint status reports on the second
9 Thursday of every month, beginning on January 11, 2018, until further order of the Court. If any party
10 identifies any issue that the party believes warrants the Court's intervention, the parties will meet and
11 confer about the issue, and if the parties are unable to resolve the issue, will identify the issue in their
12 next monthly status report and request that the Court schedule a status hearing. In the interim, the
13 parties do not believe that regularly scheduled status hearings are necessary at this time.

14 **Production Updates and Status**

15 5. DOJ-OLC: OLC is making rolling productions on approximately a monthly basis. Since
16 the last status report, OLC made releases on October 31, 2017, and November 30, 2017. Between these
17 two releases, OLC released 123 pages in part and withheld 383 pages in full.

18 6. DOJ-OIP: OIP is making rolling productions on approximately a monthly basis. Since
19 the last status report, OIP made releases on October 30, 2017, and November 29, 2017. Between these
20 two releases, OIP released 3 pages in full or in part and withheld 312 pages in full. OIP also is actively
21 reviewing records received from other agencies in response to requests for interagency review. In
22 August 2017, based on information then available, OIP estimated that it would complete its processing
23 of Plaintiff's FOIA requests by January 10, 2018. OIP now anticipates that it will need an additional
24 two months, until March 10, 2018, to complete its processing of Plaintiff's requests, including any
25 consultations with other agencies or components relating to records OIP determines to be responsive,
26 due to staff turnover, the anticipated need to consult with other agencies and/or components, and an
27 intervening and unprecedented increase in OIP's workload.

28 7. DOD: DOD is making rolling productions on approximately a monthly basis. Since the
JOINT STATUS REPORT, Case No. 3:17-CV-01799-JSC - Page 2

1 last status report, DOD made releases on October 25, 2017, and December 4, 2017. Between these
2 releases, DOD released 29 pages in full, released 57 pages in part, and withheld 50 in full. DOD
3 anticipates completing its response to Plaintiff's requests by the end of February 2018.

4 8. DOS: DOS is making rolling releases on approximately a monthly basis. Since the last
5 status conference, DOS made a release on November 9, 2017. For that release, DOS processed over 300
6 pages, which resulted in 4 documents being released in part.

7 9. DHS-PRIV: DHS-PRIV is making rolling releases on approximately a monthly basis.
8 Since the last status conference, DHS-PRIV made a release on November 17, 2017. For that release,
9 DHS-PRIV reviewed 529 pages, resulting in 9 pages being released in full, 10 pages being released in
10 part, and 19 pages being withheld in full, and 312 pages being deemed duplicative or non-responsive.
11 DHS-PRIV also sent 179 pages of records to other agencies for interagency review.

12 10. DHS-CBP: DHS-CBP is making rolling productions on approximately a monthly basis.
13 Since the last status report, CBP made a release on November 29, 2017, releasing 585 pages in full or in
14 part and withholding 164 pages in full. CBP additionally reviewed another 1,174 pages of records,
15 which it determined to be nonresponsive.

16 11. DHS-OIG: DHS-OIG made an initial production on August 2, 2017, and advised
17 Plaintiff that it was withholding additional responsive records pursuant to FOIA Exemption 7A in
18 connection with an ongoing investigation. At that time, DHS-OIG advised Plaintiff that the agency
19 would provide Plaintiff with responsive, non-exempt records subject to FOIA after completion of its
20 investigation if the litigation had not already reached summary judgment briefing by that time. The
21 investigation has now concluded, and DHS-OIG accordingly is withdrawing its blanket assertion of
22 Exemption 7A. DHS-OIG is preparing to re-commence processing of responsive records and intends to
23 begin making rolling productions on approximately a monthly basis, with the first release being made by
24 January 5, 2018. In the meantime, counsel are discussing some proposals by DHS-OIG to narrow the
25 scope of Plaintiff's request for records from this component.

26 12. The status for DOJ-USMS, DOJ-EOUSA, and DOJ-FBI remains unchanged from the
27 parties' last joint status report.

28 13. For the Court's reference, the parties are attaching a proposed order, which reflects their
JOINT STATUS REPORT, Case No. 3:17-CV-01799-JSC - Page 3

1 joint proposal for further proceedings, and a spreadsheet, which summarizes the volume of responsive
2 records that Defendants have released or withheld to date.

3 Date: December 7, 2017

Respectfully submitted,

4 CHAD A. READLER
Principal Deputy Assistant Attorney General

5 BRIAN STRETCH
United States Attorney

6 ELIZABETH J. SHAPIRO
Deputy Branch Director

7 /s/ Matthew J. Berns

8 MATTHEW J. BERNs

9 Trial Attorney

10 U.S. Department of Justice

11 Civil Division, Federal Programs Branch

12 20 Massachusetts Avenue NW

13 Washington, DC 20530

14 (202) 616-8016

15 (202) 616-8470 (Fax)

16 Matthew.J.Berns@usdoj.gov

17 *Counsel for Defendants*

18 /s/ Marcia Hofmann

19 Marcia Hofmann

20 ZEITGEIST LAW PC

21 25 Taylor Street

22 San Francisco, CA 94102

23 Email: marcia@zeitgeist.law

24 Telephone: (415) 830-6664

25 *Counsel for Plaintiff Cora Currier*

LOCAL RULE 5-1(i) ATTESTATION

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I certify that I have obtained Marcia Hofmann’s concurrence in the filing of this document.

/s/ Matthew J. Berns
Matthew J. Berns

Agency	Date	Contents of Release		
DOJ-FBI		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/24/2017	0	4	0
	9/25/2017	0	0	7
	Total:	0	4	7
DOJ-EOUSA		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/31/2017	24	49	0
	Total:	24	49	0
DOJ-OLC		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/2/2017	13	0	0
	10/31/2017	0	0	221
	11/30/2017	0	123	162
	Total:	13	123	383
DOJ-OIP		Pages Released in Full or in Part		Pages Withheld in Full
	8/10/2017	11		0
	9/21/2017	134		0
	10/30/2017	0		251
	11/29/2017	3		61
	Total:	148		312
Department of State		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/9/2017	6	12	3
	9/8/2017	7	13	0
	10/10/2017	0	34	0
	11/9/2017	0	15	0
	Total:	13	74	3
DHS-PRIV		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/7/2017	68	161	53
	9/11/2017	71	108	17
	10/16/2017	30	106	42
	11/17/2017	9	10	19
	Total:	178	385	131

DHS-CBP		Pages Released in Part or in Full		Pages Withheld in Full
	7/17/2017	53		3
	7/28/2017	180		4
	9/15/2017	115		118
	10/24/2017	250		19
	11/29/17	585		164
	Total:	1183		308
DOJ-USMS		Pages Released in Part or in Full		Pages Withheld in Full
	6/21/2017	90		0
	7/11/2017	30		2
	7/12/2017	2		0
	Total:	122		2
Department of Defense		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/9/2017	9	2	58
	8/31/2017	17	0	39
	10/3/2017	8	4	105
	10/25/2017	29	43	50
	12/4/2017	0	14	0
	Total:	63	63	252
DHS-OIG		Pages Released in Full	Pages Released in Part	Pages Withheld in Full
	8/2/2017	99	108	0
	8/3/2017	0	0	20
	Total:	99	108	20