

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

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS – CONNECTICUT and MAKE
THE ROAD NEW YORK,

Plaintiffs,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, U.S. CUSTOMS AND BORDER
PROTECTION, and U.S. DEPARTMENT OF
STATE,

Defendants.

Civil Action No.
3:17-cv-1061-RMS

DEFENDANTS' CONSENT MOTION TO MODIFY PRODUCTION ORDER

Defendant U.S. Customs and Border Patrol (“CBP”) hereby moves to modify the applicable production order in this case for the reasons that follow.

1. In this Freedom of Information Act matter, pursuant to the parties’ stipulation of November 15, 2019, ECF No. 88, and this Court’s Order of November 18, 2019, ECF No. 89, Defendant U.S. Customs and Border Patrol (“CBP”) is required to process 1,500 pages of potentially responsive documents every six weeks and produce those non-exempt records which have been fully processed.

2. CBP has now largely completed processing potentially responsive records in this matter, and after the next production of May 22, 2020, less than 1,500 potentially responsive pages will remain for review and potential production.

3. Of the remaining potentially responsive pages, multiple documents may require referral or consultation with outside agencies or entities within the Government, and CBP cannot

currently predict when such referrals or consultations will be completed and when all such documents will be fully processed.

4. Accordingly, CBP proposes to modify the governing production order in this matter such that it will process the remaining potentially responsive pages in this matter, and produce those potentially responsive pages that have been fully processed, including completing any appropriate third party review, every six weeks. Because CBP cannot reasonably predict how long the remaining processing at outside entities may take, it will not be required to process any set amount of pages per six weeks in this modified schedule. This schedule would apply to the upcoming production date of May 22, 2020, going forward.

5. CBP commits to keeping Plaintiffs informed of and up to date on where the remaining potentially responsive pages have been referred, and any estimated timetables for responses.

6. CBP further proposes that the parties meet and confer on or before June 5, 2020, to discuss potential next steps with regard to CBP in this matter, and that the parties file a joint status report on or before June 19, 2020, setting forth any proposed next steps with regard to CBP in this matter.

7. The parties have conferred, through counsel, and Plaintiffs consent to the relief sought herein. A proposed order is attached.

Dated: May 21, 2020

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Director, Federal Programs Branch

/s/ Michael L. Drezner

MICHAEL L. DREZNER

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Michael L. Drezner

MICHAEL L. DREZNER

Trial Attorney

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[PROPOSED] ORDER

Upon consideration of Defendant's Consent Motion to Modify Production Order, it is hereby:

ORDERED that the consent motion is **GRANTED**, and it is further

ORDERED that CBP will continue to process the remaining potentially responsive pages in this matter, and produce those potentially responsive pages that have been fully processed, including completing any appropriate third party review, every six weeks. CBP is not required to process any set amount of pages per six weeks in this modified schedule, and it is further

ORDERED that this schedule applies to the production date of May 22, 2020, going forward, and it is further

ORDERED that CBP will keep Plaintiffs informed concerning where potentially responsive pages have been referred, and of any estimated timetables for responses, and it is further

ORDERED that the parties will meet and confer on or before June 5, 2020 to discuss potential next steps with regard to CBP in this matter, and the parties will file a joint status report on or before June 19, 2020, setting forth any proposed next steps with regard to CBP in this matter.

SO ORDERED.

UNITED STATES MAGISTRATE JUDGE