

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:17-cv-21382-DPG

AMERICAN CIVIL LIBERTIES UNION OF
FLORIDA,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY and U.S. CUSTOMS AND
BORDER PROTECTION,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court’s Order dated January 9, 2018, ECF No. 41, Plaintiff American Civil Liberties Union of Florida (“Plaintiff”), and Defendants U.S. Department of Homeland Security (“DHS”) and U.S. Customs and Border Protection (“CBP”) (collectively, “Defendants”), submit the following Joint Status Report.

1. This matter involves Plaintiff’s requests under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, submitted to CBP, a component of DHS, on February 2, 2017. *See* ECF No. 1, Exs. A-B. Plaintiff seeks from CBP records related to the local implementation and enforcement of Executive Order No. 13,769, titled “Protecting the Nation from Foreign Terrorist Entry into the United States,” at what Plaintiff describes as sites within the purview of CBP’s Miami Field Office and CBP’s Tampa Field Office. The FOIA requests are attached to Plaintiff’s Complaint as Exhibits A and B, and speak for themselves.

2. Plaintiff filed its Complaint on April 12, 2017, ECF No. 1, and Defendants filed their Answer on September 6, 2017, ECF No. 29. The parties filed a Joint Scheduling Report on

November 16, 2017, ECF No. 31; a Joint Status Report on December 15, 2017, ECF No. 36; and a Joint Status Report on January 8, 2018, ECF No. 40. Since the parties' last Joint Status Report, Defendants have made five more releases of non-exempt records they deem responsive (for a total of 14 releases), which included approximately 771 pages of non-exempt records they deem specifically responsive to Plaintiff's requests.

3. The parties have come to an agreement on a production schedule going forward. Accordingly, the parties jointly request that the Court enter an order providing for the processing and release of the identified potentially responsive email messages and attachments from the files of custodians in the Miami Field Office and the Tampa Field Office according to the schedule described in paragraph 4 below.

4. The parties propose the following schedule:

- a. By April 30, 2018, Defendants will process 400 pages of potentially responsive email messages and attachments from the files of custodians in the Miami Field Office and the Tampa Field Office, and produce to Plaintiff any responsive, non-exempt records.
- b. By June 30, 2018, Defendants will process 800 pages of potentially responsive email messages and attachments from the files of custodians in the Miami Field Office and the Tampa Field Office, and produce to Plaintiff any responsive, non-exempt records. This total of 800 pages would include the 400 pages to be processed by April 30, 2018.
- c. By September 30, 2018, Defendants will process at least 95 percent of potentially responsive email messages and attachments from the files of

custodians in the Miami Field Office and the Tampa Field Office, and produce to Plaintiff any responsive, non-exempt records.

- d. By December 31, 2018, Defendants will complete processing all potentially responsive email messages and attachments from the files of custodians in the Miami Field Office and the Tampa Field Office, and produce to Plaintiff any responsive, non-exempt records.
- e. Every sixty (60) days, Defendants will file a joint status report advising the Court of the agency's progress in processing Plaintiff's requests, with the first such report to be filed by May 7, 2018.

5. Plaintiff reserves the right to later challenge via motion the adequacy of Defendants' search and production, to request a Vaughn index, and to request records other than email messages and attachments.

A proposed order is attached.

Dated: March 7, 2018

Respectfully submitted,

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