

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

AMERICAN CIVIL LIBERTIES UNION OF MAINE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 2:17-cv-132-GZS
	)	
U.S. CUSTOMS AND BORDER PROTECTION, et al.,	)	
	)	
Defendants.	)	

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**JOINT STATUS REPORT**

Pursuant to the Court’s January 26, 2018 Order (“Order”), Plaintiffs, American Civil Liberties Union of Maine, American Civil Liberties Union of New Hampshire, American Civil Liberties Union of Vermont, American Civil Liberties Union of Massachusetts, American Civil Liberties Union of Connecticut, and American Civil Liberties Union of Rhode Island (collectively, “Plaintiffs”), and Defendants, U.S. Customs and Border Protection and U.S. Department of Homeland Security (collectively, “the Government”), hereby file this Joint Status Report documenting the Government’s compliance with its production obligations.

**BACKGROUND**

This lawsuit arises from a Freedom of Information Act (“FOIA”) request that Plaintiffs submitted on February 2, 2017, seeking records relating to the local implementation of Executive Order 13,769 in New England. Nationwide, other ACLU affiliates submitted additional FOIA requests relating to implementation of Executive Order 13,769 in their respective regions. Since the lawsuit was filed, the Government has produced, in aggregate, a total of 16 productions

responding to those FOIA requests. Seven productions involved at least some records responsive to Plaintiffs' FOIA request in this case. These include the 2nd, 4th, 9th, 10th, 11th, 13th, and 14th productions.

In the 2nd production, on July 26, 2017, the Government produced four responsive pages. The 4th production, on October 27, 2017, included eight responsive pages. In addition, it is the Government's position that, through the 4th production, the Government produced approximately 261 pages of records responsive to all ACLU field offices' requests, including Plaintiffs' instant request.

In later productions, the Government attached cover letters stating the number of pages in the production relating to specific FOIA requests. According to the cover letters, the Government processed or produced the following number of pages for this case:

- January 2, 2018 (9th production): 53 pages (all produced)
- January 16, 2018 (10th production): 275 pages (all produced)
- January 19, 2018 (11th production): 31 pages (all produced)
- February 27, 2018 (13th production): 503 pages (all produced)
- February 28, 2018 (14th production): 17 spreadsheets (processed only, none produced).

It is the Plaintiffs' position that the cover letters do not provide specific Bates numbers for the records corresponding to each FOIA request and that the records are heavily redacted, making it difficult to determine which records correspond to Plaintiffs' FOIA request.

**STATUS UPDATE**

The Order requires the Government, by February 28, 2018, to process at least a total of 200 pages of potentially responsive records and to produce to Plaintiffs any responsive, non-exempt records. Order at 2, ECF No. 42 (Jan. 26, 2018). The parties agree that the Government has complied with this deadline. By agreeing, Plaintiffs do not waive any right to later challenge the Government's compliance with its substantive FOIA obligations, including the scope of the collection effort to identify potentially responsive records and the review and production of those records.

Dated: March 30, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Director, Federal Programs Branch

/s/ Michael Drezner  
MICHAEL L. DREZNER (VA Bar No.  
83836)  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, DC 20530  
Tel.: (202) 514-4505  
Fax: (202) 616-8470  
Email: Michael.L.Drezner@usdoj.gov

*Attorneys for Defendants  
U.S. Department of Homeland Security and  
U.S. Customs and Border Protection*

/s/ Zachary L. Heiden  
Zachary L. Heiden  
Emma E. Bond  
ACLU of Maine Foundation  
121 Middle Street, Suite 200  
Portland, Maine 04103  
Tel: (207) 619-6224  
[zheiden@aclumaine.org](mailto:zheiden@aclumaine.org)

Jennifer A. Archer  
Kelly, Remmel & Zimmerman  
53 Exchange Street  
P.O. Box 597  
Portland, Maine 04112  
(207) 420-3859  
[jarcher@krz.com](mailto:jarcher@krz.com)

*Attorney for Plaintiffs  
American Civil Liberties Union of Maine,  
American Civil Liberties Union of New  
Hampshire,  
American Civil Liberties Union of Vermont,  
American Civil Liberties Union of  
Massachusetts,  
American Civil Liberties Union of Rhode  
Island, and  
American Civil Liberties Union of Connecticut*