

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

ELECTRONIC PRIVACY)
INFORMATION CENTER,)
)
Plaintiff,)
)
v.)
)
UNITED STATES)
DEPARTMENT OF JUSTICE,)
)
Defendant.)
_____)

Case No. 1:13-cv-01961-KBJ

JOINT STATUS REPORT

The parties, plaintiff the Electronic Privacy Information Center (“EPIC”) and Defendant the United States Department of Justice (“DOJ”), by and through their undersigned counsel, respectfully provide this Joint Status Report pursuant to the Court’s Order dated February 11, 2014 (ECF No. 14). In that Order, the Court instructed the parties to report by this date “on the status of defendant’s response to the plaintiff’s FOIA request[.]” *Id.* The parties report as follows:

1. On February 28, 2014, defendant completed processing and produced to plaintiff 24 Reports of the Attorney General on the use of pen register/trap and trace devices under the Foreign Intelligence Surveillance Act (“FISA”) that were submitted to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence pursuant to reports to FISA, 50 U.S.C. § 1846. None of the reports were withheld in full. Defendant redacted material that defendant has determined remains classified national security information from some of the reports pursuant to Exemption 1 of the FOIA, 5 U.S.C. § 552(b)(1). Plaintiff

may disagree with defendant's determinations and redactions, and plaintiff reserves the right to challenge those redactions before this Court. These documents are responsive to Category 1 of plaintiff's FOIA request.

2. Defendant will complete processing of certain additional documents that are responsive to Category 2 of plaintiff's FOIA request on or before March 18, 2014. Those documents include the responsive portions of reports provided to Congressional committees pursuant to FISA, 50 U.S.C. § 1871.

3. Defendant anticipates it will require additional time to process additional responsive material, including documents that were provided to Congressional committees as attachments to the 50 U.S.C. § 1871 reports referenced in paragraph 2.

4. Plaintiff has agreed to further narrow the scope of its FOIA request. In particular, plaintiff has agreed that, when a document produced to Congress in redacted form is responsive to Category 2 of plaintiff's request, and the original, unredacted version of the document would be responsive to Category 3 of plaintiff's request, defendant need only process the document(s) in question as redacted for production to Congress.¹

5. The parties will meet and confer further, and defendant will endeavor to propose to plaintiff a schedule for further processing of documents responsive to plaintiff's FOIA request, within the next three weeks. The parties therefore jointly propose that they will file an additional Status Report within 21 days.

¹ The parties had previously agreed that, *inter alia*, plaintiff's FOIA request would be construed to exclude (1) internal government emails and (2) draft versions of responsive documents when the final version of the document in question is processed.

Dated March 7, 2014

Respectfully submitted,

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EXECUTIVE DIRECTOR
ELECTRONIC PRIVACY INFORMATION CENTER

/s/ Alan Jay Butler

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