

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

ELECTRONIC PRIVACY INFORMATION CENTER

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE

Defendant.

No. 18-1814 (TNM)

Joint Status Report

Defendant United States Department of Justice (“DOJ”) jointly with Plaintiff Electronic Privacy Information Center (“EPIC”), respectfully submit this joint status report and proposed schedule pursuant to the Court’s January 31, 2019, Minute Order.

The parties report to the Court as follows:

1. This case concerns two Freedom of Information Act (“FOIA”) requests that EPIC sent to the DOJ in 2017. EPIC sought disclosure of “The first page of all 2703(d) orders for production of cell site location information during January 1, 2017 through March 31, 2017.” (“EPIC First FOIA Request.”) sought disclosure of “The first page of all 2703(d) orders for production of cell site location information during 2016.” (“EPIC’s Second FOIA Request.”)
2. The DOJ has not produced any records in response to either of EPIC’s requests.
3. The parties have conferred and have attempted to develop a search methodology that can identify the records responsive to EPIC’s FOIA requests. As part of that process, the DOJ conferred with the U.S. Attorney’s Office for the Southern District of New York concerning that office’s ability to search for responsive records. The agency has provided EPIC with the

results of that inquiry, and the parties need additional time to discuss issues related to identifying responsive documents.

4. The parties require additional time to determine the scope of issues in dispute and to agree upon a schedule for further proceedings (including dispositive motions, if necessary). Thus, the parties respectfully request that they be permitted to file a joint status report on or before March 15, 2019, to advise the Court of the proposed schedule for proceedings in this case.

Dated: February 7, 2019

Marc Rotenberg, DC Bar # 422825
EPIC President and Executive Director

/s/ Alan Butler
Alan Butler, DC Bar # 1012128
EPIC Senior Counsel

ELECTRONIC PRIVACY
INFORMATION CENTER
1718 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20009
(202) 483-1140 (telephone)
(202) 483-1248 (facsimile)

Respectfully Submitted,

JESSIE K. LIU, DC Bar # 472845
United States Attorney

DANIEL F. VAN HORN, DC Bar # 924092
Chief, Civil Division

By: /s/ Marina Utgoff Braswell
MARINA UTGOFF BRASWELL,
DC Bar #416587
Assistant United States Attorney
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2561
Marina.Braswell@usdoj.gov