

**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”) and Plaintiff Electronic Privacy Information Center (“EPIC”), submit this joint status report and proposed schedule pursuant to the Court’s February 8, 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 are working to develop a search methodology that can identify 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 and determined that it is not possible for that office to identify responsive records. On February 7, 2019, the

agency sent a message to EPIC detailing the issues that are preventing the SDNY from being able to process the request.

4. EPIC reviewed the agency's response and provided a revised search proposal on February 15, 2019. Under EPIC's revised proposal, the DOJ will contact three specific U.S. Attorney's Offices—the Eastern District of Oklahoma, the Eastern District of Pennsylvania, and the Southern District of California—and determine whether those offices can locate responsive records.

5. The parties held a conference call on March 13, 2019, to discuss EPIC's proposal. The agency agreed to contact the three offices that EPIC identified and provide EPIC with a response within thirty days.

6. 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 April 26, 2019, to advise the Court of the proposed schedule for proceedings in this case.

Dated: March 15, 2019

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EPIC President and Executive Director

/s/ Alan Butler
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Respectfully Submitted,

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