

**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**

Plaintiff Electronic Privacy Information Center (“EPIC”) and Defendant United States Department of Justice (“DOJ”) submit this joint status report and proposed scheduling order pursuant to the Court’s April 29, 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. On June 14, 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.”). On June 21, 2017, EPIC also 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 been unable to develop a search methodology that can identify records responsive to EPIC’s FOIA requests.
4. The DOJ previously 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.

5. EPIC reviewed the agency's response and provided a revised search proposal on February 15, 2019. Under EPIC's revised proposal, the DOJ contacted three specific U.S. Attorney's Offices—the Eastern District of Oklahoma, the Eastern District of Pennsylvania, and the Southern District of California—to determine whether those offices can locate responsive records. On April 25, 2019, the defense counsel sent a message to EPIC stating that all three offices responded that they “do not track” the information EPIC requested and that the only way to search for responsive records would be to conduct a manual search of their case files.

6. The parties require additional time to determine whether there are any remaining issues in dispute in this case. Thus, the parties respectfully request that they be permitted to file a joint status report on or before July 25, 2019, to advise the Court of the proposed schedule for proceedings in this case.

Dated: June 13, 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