

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

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE
NATIONAL SECURITY DIVISION,

Defendant.

Civil Action No. 17-2274

PROPOSED BRIEFING SCHEDULE

Plaintiff, the Electronic Privacy Information Center (“EPIC”), and Defendant, Department of Justice National Security Division (“NSD”), hereby submit this Proposed Briefing Schedule pursuant to this Court’s December 13, 2017, Order.

EPIC filed a Freedom of Information Act (“FOIA”) request with the NSD on May 15, 2017. Compl. ¶ 27, ECF No. 1. EPIC requested one category of records. Compl. ¶ 28.

Specifically, EPIC sought

All reports submitted pursuant to the November 6, 2015 FISC Memorandum Opinion and Order concerning FBI receipt and review of Section 702-acquired information.

Compl. ¶ 28. In a letter dated July 19, 2017, the NSD wrote to EPIC, enclosing one redacted record and stating it had located one responsive record which it was releasing in part, withholding portions of the record under FOIA exemptions (b)(1), (b)(3) based on 50 U.S.C. §403-1(i)(1), (b)(6), and (b)(7)(C). Compl. ¶ 31. On August 9, 2017, EPIC administratively appealed the NSD response. Compl. ¶ 32. In a letter dated October 24, 2017, the OIP denied EPIC’s FOIA Appeal. Compl. ¶ 34. On November 1, 2017, EPIC filed this lawsuit seeking release of these records.

EPIC has informed the NSD that EPIC intends to challenge the assertion of exemptions (b)(1) and (b)(3), and the failure to release reasonably segregable, non-exempt portions of the records. EPIC does not challenge the adequacy of the search.

Accordingly, the Parties request that the Court enter the following briefing schedule, as provided in the accompanying Proposed Order:

Defendant's Motion for Summary Judgment:	January 31, 2018
Plaintiff's Opposition and Cross-Motion for Summary Judgment	February 28, 2018
Defendant's Reply in Support of Motion for Summary Judgment and Opposition	March 14, 2018
Plaintiff's Reply in Support of Cross-Motion for Summary Judgment	March 28, 2018

December 27, 2017

Respectfully submitted,

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EPIC President

/s/ Alan Butler
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