

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

SIERRA CLUB,)	
Plaintiff,)	Case No. 19-cv-03018 (APM)
)	
v.)	
)	
UNITED STATES ENVIRONMENTAL,)	
PROTECTION AGENCY)	
Defendant.)	

JOINT STATUS REPORT

Plaintiff Sierra Club and Defendant United States Environmental Protection (hereinafter the “Parties”), by and through their undersigned counsel, have conferred and respectfully submit this Joint Status Report in accordance with the Court’s December 23, 2019 Order.

(1) The status of Plaintiff’s FOIA request.

The FOIA request at issue in this case, request number EPA-HQ-2019-005176, seeks records related to a statement made in a televised interview by Andrew Wheeler, U.S. Environmental Protection Agency Administrator, that “most of the threats from climate change are 50 to 75 years out.” Specifically, the request seeks: “(1) All records that Administrator Wheeler relied on in asserting that ‘most of the threats from climate change are 50 to 75 years out’; and (2) All records produced, commissioned, or otherwise obtained by EPA that support the conclusion that ‘most of the threats from climate change are 50 to 75 years out,’ other than any encompassed by (1).”

Defendant has completed its search for records responsive to Part 1 of the request and expects to produce all releasable material responsive to Part 1 to Plaintiff by January 20, 2020.

Defendant has not, at this time, initiated a search for records responsive to Part 2 of the request. Defendant’s position is that Part 2 of Plaintiff’s FOIA request is not sufficiently described to

enable the Agency to locate responsive records with a reasonable amount of effort. Plaintiff disagrees. However, without waiving their respective positions or limiting their ability to argue the question, the Parties agree that that they may be able to have further productive conferral as to the scope of Part 2. The Parties propose timely to confer about Part 2 of Plaintiff's request after Defendant's production on January 20, 2020, and to provide the Court with an update as to that matter in a Second Joint Status Report to be filed no later than January 30, 2020.

(2) The anticipated number of documents responsive to the Plaintiff's FOIA request.

As discussed above, Defendant has completed its search for records responsive to Part 1 of the FOIA request and expects to produce all releasable material responsive to Part 1 to Plaintiff by January 20, 2020. Defendant is unable at this time to specify the anticipated number of documents responsive to Part 1 of Plaintiff's FOIA request.

The Parties are still conferring regarding the scope of Part 2 of the FOIA request, as discussed above, and therefore Defendant cannot provide an anticipated number of documents at this time.

(3) The anticipated date(s) for release of the documents requested by the Plaintiff.

Defendant anticipates producing records responsive to Part 1, subject to any applicable FOIA exemptions, by January 20, 2020. Defendant is unable to provide an estimate as to when records responsive to Part 2 will be released until the scope of Part 2 is determined, as discussed above.

(4) Whether a motion for an *Open America* stay is likely in this case.

Defendant does not intend to file an *Open America* stay.

(5) Proposed briefing schedule for dispositive motions, if required.

At this time, it is premature to propose a briefing schedule.

Based on the foregoing, the parties propose that they submit a joint status report on January 30, 2020.

Dated: January 6, 2020

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Respectfully submitted

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