

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INSTITUTE FOR ENERGY RESEARCH,

Plaintiff,

v.

U.S. DEPARTMENT OF THE TREASURY,

Defendant.

Civil Action No. 18-1677 (CJN)

JOINT STATUS REPORT

Pursuant to the Court's Minute Order dated May 10, 2021, the Parties respectfully submit this status report updating the Court on the status of production of records in the above referenced Freedom of Information Act ("FOIA") matter:

1. The Parties have agreed to a production schedule, under which Defendant will use its best efforts to process at least 300 pages per month for release of responsive non-exempt records to Plaintiff. The Parties have also agreed that Defendant may exclude from the scope of Plaintiff's request for records, as well as from its count of records processed per month, all draft documents received from foreign governments and international organizations.

2. To date, Defendant has made eleven productions to Plaintiff. Following the restoration of government appropriations in January 2019, Defendant processed and produced 203 pages of documents on January 28, 2019. On February 28, 2019, Defendant processed 311 pages of documents and produced 191 pages to Plaintiff. On March 28, 2019, Defendant processed an additional 375 pages of documents and produced 207 pages to Plaintiff. On April 29, 2019, Defendant processed an additional 324 pages of documents and produced 68 pages to Plaintiff. On May 31, 2019, Defendant processed an additional 398 pages of documents and produced 125

pages to Plaintiff. On July 1, 2019, Defendant processed an additional 113 pages of documents and produced 46 pages to Plaintiff. On August 1, 2019, Defendant processed an additional 81 documents and produced 258 pages to Plaintiff. On September 4, 2019, Defendant processed an additional 94 documents and produced 236 pages to Plaintiff. On October 1, 2019, Defendant processed an additional 124 documents and produced 102 pages. On November 1, 2019, Defendant processed an additional 138 documents and produced 212 pages. On December 2, 2019, Defendant processed an additional 41 documents and produced 98 pages. After conferring with opposing counsel, Defendant agreed to reprocess the documents produced in December. On January 2, 2020, Defendant reprocessed the documents produced in December, which consisted of 41 documents and 98 produced pages. On February 3, 2020, Defendant processed an additional 23 documents and produced 11 pages.

3. As previously reported, Defendant has finalized its review of documents that do not require review by other agencies for their equities. Due to the pandemic caused by COVID-19 (coronavirus), which has required government agencies to work remotely, there had been continuing delays in finalizing reviews of the remaining documents Defendant has referred to other agencies.

4. As of the status report on May 4, 2021 (ECF No. 34), Defendant had received most of the referred documents back from other agencies and subsequently started making interim productions to Plaintiff. On March 12, 2021, Defendant processed an additional 43 documents and produced 44 pages. On May 11, 2021, Defendant processed an additional 20 documents and produced 54 pages. Defendant intends to make one final production to Plaintiff within the next week, which will conclude Defendant's review of outstanding documents.

5. Considering the above, the Parties respectfully request that they be permitted to file another status report on or before August 5, 2021, further informing the Court of Defendant's progress in responding to Plaintiff's request.

A proposed order is attached.

Dated: July 2, 2021

Respectfully Submitted,

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[PROPOSED] ORDER

In light of the Parties’ joint status report, it is hereby **ORDERED** that the Parties shall jointly submit a further status report informing the Court of Defendant’s progress in finalizing its response to Plaintiff’s Freedom of Information Act (“FOIA”) request no later than August 5, 2021.

_____ Date

_____ Carl J. Nichols
United States District Judge