IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION and AMERICAN CIVIL LIBERTIES UNION FOUNDATION, Plaintiffs, v. CENTRAL INTELLIGENCE AGENCY *et al.*, Defendants.	Case No. 1:16-cv-01256 (EGS)

JOINT STATUS REPORT WITH PROPOSED BRIEFING SCHEDULE

Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (collectively, "the ACLU" or "Plaintiffs") submitted identical Freedom of Information Act ("FOIA") requests to nineteen (19) different Government entities for seven different categories of information related to Defendants' respective prepublication review processes. ECF No. 1. In this action, the ACLU sued eighteen of those entities for failing to respond to its FOIA requests. *Id.*[1] The parties submitted Joint Proposed Scheduling Orders updating the Court on the status of the FOIA requests at issue on November 4, 2016; April 7, 2017; June 23, 2017; August 25, 2017; October 20, 2017; December 22, 2017; March 9, 2018; May 18, 2018; August 10, 2018; September 21, 2018;

[1] While reserving its right to seek attorney's fees, the ACLU has stipulated to dismissal of seven entities: Coast Guard, Department of Defense, Department of Energy, Department of Justice, Drug Enforcement Administration, Marines, and National Geospatial-Intelligence Agency. *See* ECF No. 28.

December 10, 2018; and February 11, 2019. ECF Nos. 23, 26, 27, 29, 30, 32, 36, 37, 39, 40, 42, 45.

Pursuant to the Court's Order of July 29, 2019, the parties now file this Joint Status Report with Proposed Briefing Schedule.

I. Status of FOIA requests

Plaintiffs have identified a single withholding that they plan to challenge, in a single Central Intelligence Agency ("CIA") document. Plaintiffs and the CIA have conferred further regarding this withholding and have concluded that summary judgment briefing will be necessary to resolve the parties' respective positions regarding the withholding in question.

Plaintiffs intend to stipulate to the dismissal of the following Defendants pursuant to Fed. R. Civ. P. 41(a)(1)(A), while reserving their right to seek any attorney's fees to which they are entitled: Defense Intelligence Agency, Department of Homeland Security, Department of State, Department of the Treasury, Federal Bureau of Investigation, National Reconnaissance Office, National Security Agency, Navy, and Office of the Director of National Intelligence.

II. Proposed briefing schedule

Plaintiffs and the CIA have conferred and jointly propose the following schedule for briefing cross motions for summary judgment. This schedule takes into account the other litigation responsibilities as well as various upcoming travel plans of the undersigned counsel and other personnel who will be assisting in the preparation of the parties' anticipated filings.

(1) The CIA shall file a motion for summary judgment and accompanying memorandum in support thereof on or before September 12, 2019.

(2) Plaintiffs shall file their cross-motion for summary judgment, with a single memorandum in support of their own motion and in opposition to the CIA's motion, on or before October 10, 2019.

(3) The CIA shall file a single memorandum containing its reply arguments in support of their own motion and in opposition to Plaintiffs' motion, on or before October 31, 2019.

(4) Plaintiffs shall file a reply memorandum in support of their motion on or before November 14, 2019.

The adoption of the proposed briefing schedule will facilitate the efficient resolution of this lawsuit and conserve the Court's resources. Accordingly, the parties respectfully request that the Court enter the above-described schedule for further proceedings.

A proposed order reflecting this proposal is attached hereto for the convenience of the Court.

Dated: August 7, 2019

Respectfully submitted,

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