UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY,	)	
Plaintiff,	)	
v.	)	**No. 1:17-cv-00548-TSC**
DEPARTMENT OF HOMELAND SECURITY, *et al.,*	)	
Defendants.	)	

FOURTEENTH JOINT STATUS REPORT

The following events have taken place in this case since the filing on July 22, 2019, of the Thirteenth Joint Status Report, ECF No. 41:

1. Defendant U.S. Customs and Border Protection (CBP) took the following actions on August 2, 2019, with respect to the 1,285 pages referred to it by defendant Department of Homeland Security (DHS), *see* ECF No. 40 at 3: withheld 174 pages in their entirety pursuant to FOIA Exemptions 3, 5, 6, 7(C) and/or 7(E); produced 84 pages with redactions pursuant to Exemptions 3, 5, 6, 7(C) and/or 7(E); advised plaintiff Knight First Amendment Institute at Columbia University of its referral of 164 pages to defendant U.S. Immigration and Customs Enforcement (ICE) for processing and direct response to plaintiff; advised plaintiff of its determination that 348 pages were not responsive to plaintiff's request; and advised plaintiff of its continuing efforts to process the remaining 515 pages.

2. CBP took the following actions on August 30, 2019, with respect to the remaining 515 pages referred to it by DHS: withheld 5 pages in their entirety pursuant to FOIA Exemptions 3, 5, 6, 7(C) and/or 7(E); produced 30 pages with redactions pursuant to Exemptions 3, 5, 6, 7(C)

and/or 7(E); advised plaintiff of its referral of 20 pages to the Transportation Security Administration (TSA) for processing and direct response to plaintiff; and advised plaintiff of its determination that 10 pages were duplicates, 4 pages were blank, and 446 pages were not responsive to plaintiff's request.

3. Plaintiff asked defendants by email dated September 18, 2019, to "confirm that the agencies have now completed all outstanding productions." Plaintiff also proposed that the parties establish "a schedule for summary judgment briefing, as we anticipate challenging certain of the agencies' redactions."

4. Responding by email of their undersigned counsel dated September 19, 2019, defendants said that all processing of records was complete in this case except for the 164 pages referred by CBP to ICE, the 20 pages referred by CBP to TSA, and two pages referred by DHS to the State Department (State), *see* ECF No. 40 at 3. Defendants stated that "ICE anticipates completing its work" on the pages referred by CBP "by October 1," provided information about the status of the pages referred to TSA and State, and asked plaintiff how it wished to proceed.

Defendants also said the Government often filed motions for summary judgment in FOIA cases that ended up being far broader than they needed to be because they addressed issues that the requester did not contest and that courts in this district had responded by adopting the practice of directing the parties in FOIA cases to try to narrow the issues in dispute before the Government filed its motion for summary judgment. Defendants attached the order dated November 8, 2018, ECF No. 51, in *James Madison Project v. Department of Justice*, No. 1:17-cv-00144-APM (D.D.C.), as an example. Defendants therefore recommended that plaintiff advise them at its earliest convenience "which of the agencies' redactions it proposes to

challenge, along with any other matters in dispute" and suggested that the parties then establish a summary-judgment briefing schedule to address those matters.

5. TSA took the following actions on September 19, 2019, with respect to the 20 pages referred to it by CBP: produced 12 pages with redactions pursuant to FOIA Exemptions 3 and/or 6; referred two pages back to CBP; and advised plaintiff that six pages were duplicates.

6. Defendants advised plaintiff by email of their undersigned counsel dated September 20, 2019, that State had referred back to DHS the two pages referred to it by DHS and that DHS had determined on further review that the pages were not responsive to plaintiff's request. Defendants also agreed to plaintiff's proposal, made the previous day, that the parties meet and confer the week after October 1, 2019, the date by which ICE anticipated completing its work on the pages referred to it by CBP, to discuss "the scope of [plaintiff's] anticipated challenges."

Respectfully submitted,

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Dated: September 20, 2019

CERTIFICATE OF SERVICE

I hereby certify that I served the within report on all counsel of record by filing it with the Court by means of its ECF system on September 20, 2019.

s/ *David M. Glass*

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DEPARTMENT OF HOMELAND SECURITY, *et al.,*	)	
Defendants.	)	

[PROPOSED] ORDER

It is hereby ordered in view of the joint status report filed on September 20, 2019, that the parties file another joint status report upon reaching agreement on a proposed briefing schedule for cross motions for summary judgment but not later than November 21, 2019.

Dated: _____

_____
UNITED STATES DISTRICT JUDGE