**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.** | ) | |

**FIFTEENTH JOINT STATUS REPORT**

The following events have taken place in this case since the filing on September 20, 2019, of the Fourteenth Joint Status Report, ECF No. 43:

1. Defendant U.S. Customs and Border Protection (CBP) produced the two pages referred back to it by the Transportation Security Administration, *see* ECF No. 43 at 3, to plaintiff Knight First Amendment Institute at Columbia University on September 23, 2019, with redactions pursuant to FOIA Exemptions 5, 6, 7(C) and/or 7(E).

2. Defendant U.S. Immigration and Customs Enforcement (ICE) produced the 164 pages referred to it by CBP, *see* ECF No. 43 at 1, to plaintiff on October 4, 2019, with redactions pursuant to FOIA Exemptions 5, 6, 7(A), 7(C), and/or 7(E).

3. Memorializing a conversation that had taken place earlier that day, defendants' undersigned counsel said the following in an email to plaintiff's counsel dated October 25, 2019:

> You or one of your colleagues . . . advised me that the issues that plaintiff intends to contest on summary judgment are the validity of CBP's withholdings under FOIA Exemptions 5, 6, 7(C), and 7(E); the validity of DHS' withholdings under FOIA Exemptions 3, 5, 6, 7(C), and 7(E); the validity of ICE's withholdings under FOIA Exemptions 5, 6, 7(A), 7(C), and 7(E); and the validity

> of TSA's withholdings under FOIA Exemption 3. You also advised me that plaintiff does not intend to challenge any withholdings of HHS or the State Department . . . .
>
> I asked you whether plaintiff intended to argue that any record from which material had been withheld pursuant to FOIA Exemption 7(A), 7(C), or 7(E) was not "compiled for law enforcement purposes," *see* 5 U.S.C. § 552(b)(7). You said that plaintiff would consider that issue and get back to me.
>
> Please let me know if you have any additions or corrections to this description of our conversation. Also, please let me know if plaintiff intends to challenge any of the withholdings of DHS-OIG, *see* ECF No. 41 at 1.

4. Plaintiff's counsel advised defendants' undersigned counsel by email dated October 25, 2019, that "[y]our summary of our anticipated challenges to agency withholdings is accurate." She also said that, "[w]ith respect to DHS-OIG (which we had categorized under DHS), we anticipate challenging the validity of withholdings under FOIA Exemptions 6, 7(C), and 7(E)."

5. Plaintiff's counsel advised defendants' undersigned counsel by email dated November 1, 2019, that plaintiff did not intend to argue that the records from which withholdings under Exemption 7 had been made "were not compiled for 'law enforcement purposes'" except in the case of "CRCL documents."

6. On November 15, 2019, Plaintiff's counsel proposed the following briefing schedule for the parties' cross motions for summary judgment: (1) the defendants' motion for summary judgment would be due by January 31, 2020; (2) the plaintiff's cross-motion for summary judgment and opposition to the defendants' motion would be due by March 2, 2020; (3) the defendants' reply to the plaintiff's opposition and opposition to the plaintiff's cross-motion would be due by April 1, 2020; and (4) the plaintiff's reply to the defendants' opposition would be due by May 1, 2020.

7. Defendants' undersigned counsel agreed to the above schedule by email dated November 15, 2019, and proposed that "both sides ask the court to adopt it." Plaintiff's counsel agreed to that proposal by email dated November 18, 2019.

Respectfully submitted,

By: *s/ Matthew S. Hellman* (by email authorization)
Matthew S. Hellman, DC Bar 484132
Michael E. Stewart, DC Bar 144926
JENNER & BLOCK LLP
1099 New York Avenue, N.W., Suite 900
Washington, D.C. 20001
Tel: (202) 639-6072/Fax (202) 639-6066
Email: mhellman@jenner.com

Susan J. Kohlmann, *Pro Hac Vice*
JENNER & BLOCK LLP
919 Third Avenue
New York, New York 10022
Tel: (212) 891-1600/Fax (212) 891-1699

Jameel Jaffer, D.D.C. Bar MI0067
Katherine Fallow, *Pro Hac Vice*
Alex Abdo, *Pro Hac Vice*
Caroline M. DeCell, *Pro Hac Vice*
KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY
475 Riverside Drive, Suite 302
New York, New York 10115
Tel: (646) 745-8500
Attorneys for Plaintiff

JOSEPH H. HUNT
Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Director

s/ *David M. Glass*
DAVID M. GLASS, DC Bar 544549
Senior Trial Counsel
Department of Justice, Civil Division
1100 L Street, N.W., Room 12020
Washington, D.C. 20530
Tel: (202) 514-4469/Fax: (202) 616-8460
E-mail: david.glass@usdoj.gov
Attorneys for Defendants

Dated: November 21, 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 November 21, 2019.

s/ *David M. Glass*

**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.** | ) | |

**[PROPOSED] SCHEDULING ORDER**

It is hereby ordered in view of the joint status report filed on November 21, 2019, that the parties file their cross-motions for summary judgment in accordance with the following briefing schedule:

- By January 31, 2020, the defendants shall serve their motion for summary judgment;
- By March 2, 2020, the plaintiff shall serve its cross-motion for summary judgment and opposition to the defendants' motion;
- By April 1, 2020, the defendants shall serve their reply to the plaintiff's opposition and their opposition to the plaintiff's cross-motion; and
- By May 1, 2020, the plaintiff shall serve its reply to the defendants' opposition.

Dated: _____

_____
UNITED STATES DISTRICT JUDGE