Hon. Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MEGAN MING FRANCIS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,

Defendant.

No. 2:19-cv-1317-RAJ

SECOND JOINT STATUS REPORT

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Pursuant to the Court's December 10, 2019 Scheduling Order, plaintiffs Megan Ming Francis, Matthew J. Connelly, Mary L. Dudziak, Matthew L. Jones, Hiroshi Motomura, Campaign for Accountability, and the Knight First Amendment Institute at Columbia University (collectively, "Plaintiffs") and defendant United States Department of Justice ("Defendant") respectfully submit this Joint Status Report proposing a schedule for the processing and production of records responsive to Plaintiffs' Freedom of Information Act request. The parties met and conferred telephonically on February 6, 2020, and propose the following plan for further proceedings in this case.

1. Proposed schedule for processing and production of non-exempt responsive records

In the parties' December 5, 2019 Joint Status Report, they outlined a plan for a processing and production schedule for a single test year—1974. In particular, the parties agreed that Defendant would provide Plaintiffs with a list of the titles of all the formal written OLC opinions for the test year, along with the date of the opinion and the recipient(s) of the opinion, subject to potential redactions. Plaintiffs would then review the list of opinions and request that Defendant process a subset of the opinions from the test year. Defendant would then produce non-exempt, responsive records based on that request. *See* Joint Status Report (Dec. 5, 2019), ECF No. 15. By processing only a subset of the potentially responsive records using this process, the parties expect to substantially reduce the total processing time. This process for the first test

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year is still on-going, with Defendants scheduled to complete processing and productions of the non-exempt responsive records by April 27, 2020.[1]

The parties have agreed that Defendant will continue responding to Plaintiffs' FOIA request in the manner explained above for the OLC opinions issued in the years 1981, 1969, and 1965.[2]

The parties respectfully propose the following schedule:

March 3, 2020:	Defendant will provide Plaintiffs with the date, title, and recipients of the formal written OLC opinions for 1981, subject to potential redaction.
April 7, 2020:	Plaintiffs will provide Defendant with the list of opinions from 1981 that Plaintiffs would like processed. Defendant will provide Plaintiffs with the date, title, and recipients of the formal written OLC opinions for 1969, subject to potential redaction.
April 27, 2020:	By this date, Defendant will have completed the processing of at least 100 records and will provide Plaintiffs with the first production of non-exempt, responsive records. For any opinion withheld in full or in part, Defendant will inform Plaintiffs of the FOIA exemption(s) it invokes to withhold that information.
May 5, 2020:	Plaintiffs will provide Defendant with the list of opinions from 1969 that Plaintiffs would like processed. Defendant will provide

[1] The parties have agreed that Defendant need not provide Plaintiffs with the interim production originally scheduled for March 23, 2020.

[2] The parties have also agreed that Plaintiffs may ask Defendant questions that will help them clarify, for example, the meaning of the opinion's title or the statutory provision the opinion addresses. Plaintiffs will provide their questions one week after they receive the list of OLC opinion titles for a given year (March 10, 2020 for 1981, April 14, 2020 for 1969, and May 12, 2020 for 1965). Defendant will provide responses to the best of its ability two weeks after that (March 24, 2020 for 1981, April 28, 2020 for 1969, and May 26, 2020 for 1965), as long as there are less that 40 total inquiries. If Plaintiffs make more than 40 inquiries, it will delay Defendant's processing in one week intervals for each set of 20 inquiries.

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	Plaintiffs with the date, title, and recipients of the formal written OLC opinions for 1965, subject to potential redaction.
June 2, 2020:	Plaintiffs will provide Defendant with the list of opinions from 1965 that Plaintiffs would like processed.
July 27, 2020:	By this date, Defendant will have completed the processing of at least 100 additional records and will provide Plaintiffs with a second production of non-exempt, responsive records. For any opinion withheld in full or in part, Defendant will inform Plaintiffs of the FOIA exemption(s) it invokes to withhold that information.

2. Parties' views on further proceedings

The parties are continuing to discuss whether the above-described method and timeline for identifying and processing opinions will be used for OLC opinions issued during an additional subset of the years relevant to Plaintiffs' original FOIA request. The parties will continue to meet and confer to determine if it is feasible to continue to use this process to reduce the scope of the request for those additional years. fThe parties propose that they submit a third Joint Status Report to the Court on August 10, 2020 proposing a schedule for the continued production of records responsive to Plaintiffs' request.

DATED: February 21, 2020

Respectfully submitted,

/s/ Anna Diakun

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