UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CAMPAIGN FOR ACCOUNTABILITY, Plaintiff, v. UNITED STATES DEPARTMENT OF JUSTICE, Defendant.	No. 1:16-cv-1068 (KBJ)

JOINT STATUS REPORT

Pursuant to the Court's November 5, 2020 Order, Plaintiff Campaign for Accountability ("Plaintiff") and Defendant United States Department of Justice ("Defendant") respectfully submit this Joint Status Report to express the parties' views on further proceedings in this case. The parties met and conferred telephonically on November 16, 2020.

The Court's September 11, 2020 Order granted in part and denied in part Defendant's Renewed Motion to Dismiss the Amended Complaint. *See* ECF No. 40. Specifically, the Court concluded that Plaintiff plausibly alleged that final opinions of the Office of Legal Counsel ("OLC") resolving interagency disputes must be affirmatively disclosed under the reading-room provisions of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(a)(2), but dismissed Plaintiff's claim as to three other categories of opinions identified in the Amended Complaint. *Id*.

Defendant's position is that Defendant should have the opportunity, in this FOIA action, to move for summary judgment based on agency affidavits. The Plaintiff would then have the opportunity, and burden, to convince the Court that further discovery is necessary. Plaintiff's position is that this is an atypical FOIA action in which limited discovery may be required at the outset so that the Court has all of the relevant facts at its disposal when resolving the parties'

motions. The parties are currently discussing a process for resolving their disagreement without the need for the Court's involvement. Because these negotiations are ongoing, the parties propose filing a Second Joint Status Report by December 3, 2020, to advise the Court of the status of their negotiations.

DATED: November 19, 2020

Respectfully submitted,

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*Motions for admission *pro hac vice* pending

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