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Via ECF and Electronic Mail

The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Knight First Amendment Institute at Columbia University v. Centers for Disease Control and Prevention and U.S. Department of Health and Human Services*, 20 Civ. 2761 (AT)

Dear Judge Torres,

Pursuant to the Court's October 11, 2022 Order, ECF No. 81, I write on behalf of Plaintiff the Knight First Amendment Institute at Columbia University (the "Knight Institute" or "Plaintiff") and Defendants the Centers for Disease Control and Prevention ("CDC") and the U.S. Department of Health and Human Services (collectively with the CDC, the "Defendants") to inform the Court that the parties have reached an agreement regarding Defendants' new search and processing schedule.

On September 17, 2021, the Court issued a memorandum and order pertaining to the parties' cross-motions for summary judgment, in which the Court, among other things, directed the CDC to "conduct a new search for documents responsive to requests one and two" of the FOIA request that is the subject of this litigation. *See* ECF No. 54 at 36; *see also id.* at 6 17. On December 8, 2021, the parties submitted competing proposals for the new search to the Court. *See* ECF Nos. 72 73. On September 9, 2022, the Court rejected both parties' proposals and directed the parties to "engage in a good faith effort to agree to search terms, initial custodians for the search, and a reasonable timeline for the CDC's production." ECF No. 79. The Court ordered the parties to meet and confer by September 30, 2022, and to "file a joint submission setting forth their respective positions within seven days of their meeting." ECF No. 79.

On October 7, 2022, the parties informed the Court that they had reached an agreement regarding the agency's additional searches and custodians, set forth in an appendix to the parties' joint letter. *See* ECF Nos. 80, 80-1. However, because the CDC had not yet determined a total page count for the search results, the parties requested a short extension until October 21, 2022 to provide the Court with a status update on the agency's processing rate and production schedule. *See* ECF No. 80. On October 11, 2022, the Court granted this request. *See* ECF No. 81.

The parties have now reached an agreement on the agency's processing rate and production schedule. The CDC will process responsive records at a rate of 750 pages per month, with corresponding productions to be made on a monthly basis beginning on November 21, 2022.

In addition, the parties have agreed to further narrow the scope of the search. In lieu of processing the Part 1 search string results included in the parties' last filing, *see* ECF No. 80-1, the CDC will instead conduct targeted searches for specific documents Plaintiff may identify based on Plaintiff's review of records produced in response to Part 2 of the new search.

At this time, no other outstanding issues remain. The parties propose that they provide the Court with a joint status report no later than January 25, 2023. The parties thank the Court for its consideration of this submission.

Respectfully submitted,

/s/ Anna Diakun

The parties shall provide the Court with a joint status report by **January 25, 2023**.

SO ORDERED.

Dated: October 26, 2022
New York, New York

ANALISA TORRES
United States District Judge