U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 7, 2022

BY ECF
The Honorable Colleen McMahon
United States District Judge
500 Pearl Street
New York, NY 10007

Re: *Knight Institute v. Central Intelligence Agency, et al.*, 22 Civ. 1542 (CM)

Dear Judge McMahon:

This Office represents the defendant agencies in this Freedom of Information Act (FOIA) case. As proposed in our November 21, 2022 letter, ECF No. 40, we write to provide a status report on the agencies or components that have been engaged in search or processing since the last status report.

DOJ Criminal Division. As discussed in the last letter, CRM has completed a responsiveness review of the records located in its searches, and has also now completed an electronic deduplication and email threading analysis. Approximately 5500 pages now remain to be processed. Certain pages may require coordination with other DOJ components or Executive Branch agencies for consultation. The parties have agreed that CRM will process at least 500 pages of these records per month for responsiveness and applicable exemptions, and will make monthly rolling productions of the responsive, non-exempt records or portions of records, starting on January 23, 2023. The parties also intend to discuss whether any further narrowing of plaintiff's request is possible.

DOJ's Office of Information Policy. OIP has completed its initial responsiveness review for the supplemental search discussed in prior letters, which located a very small amount of material initially determined to be responsive. OIP will extract this additional material from its eDiscovery program for further review. If not duplicative of material previously processed, OIP will complete the initial processing of this additional material in approximately two weeks and send it for consultation with any other Executive Branch equity holders. OIP additionally initiated a very narrow second supplemental search, which it anticipates will be complete on or about January 13, 2023.

FBI. As noted in our last letter, the FBI anticipates releasing a small number of additional pages that have been or will be released in a separate, closely related case, *New York Times v. Department of Justice*, 22 Civ. 1539 (JSR) (S.D.N.Y.). The FBI will release these pages to plaintiff when it makes the release in the *New York Times* case.

Proposal. The parties propose that we provide the Court with a further status report by January 30, 2023.

We thank the Court for its attention to this matter.

Respectfully submitted,

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Southern District of New York

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