

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES UNION., *et al.*,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Civil Action No. 18-2784 (CKK)

JOINT STATUS REPORT

Pursuant to the Court’s March 5, 2019, Order, Plaintiffs American Civil Liberties Union, *et al.* and Defendant Central Intelligence Agency hereby submit this Joint Status Report in this Freedom of Information Act (“FOIA”) case.

I. The Status of Plaintiff’s FOIA Request

This case concerns Plaintiffs’ May 4, 2018 FOIA request to Defendant seeking various “records concerning CIA efforts to support [Gina] Haspel’s nomination for Director [of the CIA.]” Defendant reports that it has completed its initial collection of potentially responsive records. Defendant will soon begin processing the records pursuant to the FOIA.

II. The Anticipated Number of Documents Responsive to Plaintiff’s FOIA Request

Defendant represents that it has collected potentially responsive records but its searches are ongoing, involve multiple locations within the Agency, and the documents have not yet been reviewed for responsiveness. The records will additionally require review to avoid duplication. As such, Defendant cannot predict the number of documents that are actually responsive to the FOIA request.

III. The Anticipated Date(s) for Release of the Documents Requested by Plaintiff

Defendant intends to release all non-exempt, responsive records by October 15, 2019. Defendant intends to make one production, on or before October 15, instead of rolling productions because Defendant will review the entire record set before making a final decision about whether any particular document, or portion thereof, may be released. Defendant reports that in some cases, the exempt nature of certain information may only become apparent when considered in the context of other information that will be released in other records.

IV. Whether A Motion for Stay is Likely Under *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976)

At this time, Defendant does not anticipate moving for an *Open America* stay.

V. Whether a *Vaughn* Index Will be Required in This Case

The parties have deferred a decision whether a *Vaughn* index will be required in this case. The parties respectfully propose that they be allowed time to confer, following the production by Defendant, to determine whether any issues remain in dispute and whether a *Vaughn* index and summary judgment briefing may be necessary in this case.

The parties propose that they file a joint status report within 21 days after Defendant's document production.

Respectfully submitted,

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