

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:13-cv-1559-EGS
)	
INTERNAL REVENUE SERVICE,)	
)	
Defendant.)	
_____)	

STATUS REPORT

Pursuant to the parties’ November 17, 2017 Joint Status Report and Stipulation, the Internal Revenue Service (“Service”) submits this Status Report in this Freedom of Information Act (FOIA) case.

Redacted and withheld documents

1. The parties have stipulated that, of the documents released to date, Judicial Watch is challenging only the Service’s assertion of the deliberative process privilege with respect to the 515 documents identified in the parties’ November 17, 2017 Joint Status Report and Stipulation. No other redactions or withholding remain at issue.

2. The Service has reviewed its assertions of the deliberative process privilege with respect to the 515 documents and intends to make a discretionary waiver of many, and potentially all, those assertions.

3. Since the parties filed their last status report, the document review platform used by the Service in this case has been out of commission and inoperable on a nearly continuous basis. Although the Service has prioritized significant resources to restoring the platform, it remains largely inoperable as of this filing. As a result, the Service has been unable to begin

removing deliberative process redactions from the 515 documents and releasing them to Judicial Watch.

Supplemental search for responsive documents

4. For the time period May 9, 2013, to May 20, 2013 or May 22, 2013 (“gap period”), the Service is in the process of conducting a supplemental search of documents from the custodians identified in the parties’ November 17, 2017 Joint Status Report and Stipulation.

5. For some of the custodians, the Service had previously collected documents covering the entire gap period. Because of the issues with its document review platform described above, the Service has been unable to review such documents for responsiveness and exemptions.

6. For the remaining custodians, the Service has been actively collecting documents covering the gap period and has completed its collection for the majority of those custodians. Because of the issues with its document review platform described above, the Service has not been able to load the newly collected documents onto the platform, apply search strings, or review the documents for responsiveness and exemptions.

Next Steps

7. The Service previously agreed to provide an estimated timeframe for completing its review of the 515 documents described in paragraphs 1 to 3, above, by December 18, 2017. The Service likewise agreed to provide an estimated timeframe for completing its production of any non-exempt, responsive documents located as a result of the supplemental search described in paragraphs 4 to 6, above, by December 18, 2017.

8. Because of the issues with its document review platform described above, the Service is not in a position to provide estimated timeframes at this juncture.

9. Rather than speculate regarding timeframes at this juncture, the Service proposes providing estimated timeframes to the Court and Judicial Watch as soon as possible, but no later than the parties' joint status report due on January 31, 2018.

Dated: December 18, 2017

Respectfully submitted,

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JESSIE K. LIU
U.S. Attorney for the District of Columbia

/s/ Stephanie Sasarak
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CERTIFICATE OF SERVICE

I certify that on December 18, 2017, I electronically filed the foregoing STATUS REPORT with the Clerk of the Court using the CM/ECF system, which shall send notification of that filing to all parties registered to receive such notice, including plaintiff's counsel.

/s/ Stephanie Sasarak
STEPHANIE SASARAK