

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

Judicial Watch, Inc.,

Plaintiff,

v.

U.S. Department of Justice,

Defendant.

No. 18-cv-154 RBW

JOINT STATUS REPORT

In accordance with the Court's order on April 5, 2018, plaintiff Judicial Watch, Inc. and defendant U.S. Department of Justice report as follows:

1. This is a Freedom of Information Act (FOIA) case seeking records from the Federal Bureau of Investigation. Judicial Watch's FOIA request sought three categories of documents, all for the time frame of February 1, 2015, to the present:
 - a. Any and all records of communications, including but not limited to, emails, text messages and instant chats, between FBI official Peter Strozak and FBI attorney Lisa Page;
 - b. Any and all travel requests, travel authorizations, travel vouchers and expense reports of Peter Strozak; and
 - c. Any and all travel requests, travel authorizations, travel vouchers and expense reports of Lisa Page.
2. Between April 5 and May 4, 2018, the FBI processed the 35 pages of potentially responsive records identified for categories (b) and (c). In a response sent to Judicial Watch on May 4, 2018, the FBI produced 16 pages of responsive records for categories (b) and (c).
3. The FBI has identified about 13,000 pages of potentially responsive records for category (a), including emails, attachments, and text messages. The parties propose the following schedule to govern further proceedings with respect to the potentially responsive records identified

for category (a):

- a. By June 29, 2018, the FBI will process 500 pages of potentially responsive records and produce any responsive, non-exempt records to Judicial Watch.
- b. After June 29, 2018, on a monthly basis, the FBI will process 500 pages of potentially responsive records and produce any responsive, non-exempt records to Judicial Watch.¹
- c. On September 1, 2018, and thereafter on a quarterly basis (once every three months), on the first day of the month (or, if the first falls on a weekend or holiday, the next business day), the parties will file a joint status report advising the Court of the FBI's progress in processing the request.

A proposed order with this schedule is attached.

4. Personal email and messaging accounts:
 - a. Plaintiff's position: Although the FBI has not yet produced to Plaintiff a single text message between FBI official Peter Stroz and FBI attorney Lisa Page, the FBI has produced to Congress text messages between the two individuals. Several of the text messages produced to Congress reference work-related communications between the two individuals taking place on personal email accounts and to iMessages. Such communications would be responsive to category (a) of Plaintiff's FOIA request. On May 1, 2018, Plaintiff sought confirmation from the FBI that it had obtained possession of the work-related communications located on the personal devices or

¹ Plaintiff's position on processing time: At a rate of 500 pages/month, the FBI does not anticipate completing the processing of Plaintiff's FOIA request for at least two years – 26 months to be exact. Because Plaintiff has not seen any records responsive to its request and therefore does not know how extensive of a review is necessary, Plaintiff reserves its right to challenge the FBI's processing time in subsequent status reports.

systems and that the communications are being searched for responsiveness. To date, the FBI has not provided Plaintiff with such confirmation. Plaintiff also has sought confirmation from the FBI that any work-related communications located on the personal devices or systems are being preserved. To date, the FBI has not provided Plaintiff with that confirmation either. If – by May 21, 2018 – Plaintiff does not receive adequate assurances that potentially responsive records are being preserved and/or collected and searched, Plaintiff intends to seek a preservation order from this Court. *See* Preservation Order, *Judicial Watch, Inc. v. U.S. Department of Homeland Security*, Case No. 19-00967-RDM (D.D.C. Jan. 18, 2017); *see also* Minute Order, *Judicial Watch, Inc. v. U.S. Department of Justice*, Case No. 17-cv-00029-EGS (D.D.C. Jan. 17, 2017); Memorandum Opinion and Order, *Competitive Enterprise Institute v. Office of Science and Technology Policy*, Case No. 14-00765-GK (D.D.C. Dec. 12, 2016).

- b. FBI's position: The FBI is still evaluating Judicial Watch's requests. Consideration of this issue by the Court is therefore premature. The FBI will respond if and when the issue is properly presented.

Dated: May 17, 2018

/s/ Michael Bekesha

Michael Bekesha
D.C. Bar No. 995749
JUDICIAL WATCH, INC.
425 Third Street SW, Suite 800
Washington, DC 20024
Phone: (202) 646-5172

Counsel for Plaintiff
Judicial Watch, Inc.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

JESSIE K. LIU
United States Attorney

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Garrett Coyle

GARRETT COYLE
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530
Phone: (202) 616-8016
Fax: (202) 616-8470
Email: garrett.coyle@usdoj.gov

Counsel for Defendant
U.S. Department of Justice

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[PROPOSED] ORDER

The parties have filed a joint proposed schedule governing further proceedings. It is hereby ordered that the parties' proposed schedule is adopted.

By June 29, 2018, the FBI shall process 500 pages of potentially responsive records and produce any responsive, non-exempt records to Judicial Watch.

After June 29, 2018, on a monthly basis, the FBI shall process 500 pages of potentially responsive records and produce any responsive, non-exempt records to Judicial Watch.

On September 1, 2018, and thereafter on a quarterly basis (once every three months), on the first day of the month (or, if the first falls on a weekend or holiday, the next business day), the parties shall file a joint status report advising the Court of the FBI's progress in processing the request.

SO ORDERED.

The Honorable Reggie B. Walton
United States District Judge

DATED: