

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

Case No. 22-cv-02841 (DLF)

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order dated October 20, 2022, Plaintiff Judicial Watch (“Judicial Watch”) and Defendant the U.S. Department of Homeland Security (“DHS”) (collectively, the “Parties”), by and through undersigned counsel, respectfully submit this Joint Status Report.

1. This case involves a Freedom of Information Act (“FOIA”) submitted by Judicial Watch to the United States Secret Service (“USSS”), seeking records “including but not limited to reports, telephone logs, witness statements, and memoranda, related to the reported purchase, possession, and disposal of a firearm owned by Hunter Biden found in a Delaware dumpster circa October 2018” and “[a]ll records of communications sent to and from USSS officials internally and with outside parties regarding the reported purchase, possession, and disposal of a firearm owned by Hunter Biden found in a Delaware dumpster circa October 2018.” Compl. ¶ 5, ECF No. 1.

2. USSS initially responded to Judicial Watch on April 2, 2021, that it had located potentially responsive records and would process them in accordance with FOIA, but this response was sent in error. On October 13, 2022, USSS sent an updated letter to Judicial Watch to inform

it that USSS had actually never located any records responsive to Plaintiff's request after conducting a search and, thus, should have sent a no-records response on April 2, 2021 instead. *See Ex. A, DHS Letter to Judicial Watch, Oct. 13, 2022.*

3. Since the Complaint was filed, the Parties have conferred about the intended scope of Judicial Watch's FOIA request and, in response, USSS has run supplemental searches and located over 100 records, totaling over 400 pages, potentially responsive to Judicial Watch's request under the clarified understanding of that request.

4. USSS will complete its initial processing of all potentially responsive records by January 9, 2023, and send records out for any necessary consultations with other Executive Branch entities by that date. If any responsive, non-exempt records do not require consultation, USSS will produce those records to Plaintiff by January 9th. For any responsive, non-exempt records that are out on consultation, USSS intends to produce those to Plaintiff on a rolling, monthly basis as they become available.

5. The Parties propose filing the next joint status report by January 13, 2023, which will identify as of January 9, 2023: the number of pages processed, the number of pages determined to be responsive (if this number is different from the number of pages processed), the number of pages that did not require consultation and were produced to Plaintiff, the number of pages that did not require consultation and were withheld in full from Plaintiff, and the number of pages sent out for consultation.

Dated: November 10, 2022

/s/ Michael Bekesha
Michael Bekesha (D.C. Bar No. 995749)
JUDICIAL WATCH, INC.
425 Third Street S.W., Suite 800
Washington, DC 20024
Phone: (202) 646-5172
Counsel for Plaintiff

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

MARCIA BERMAN
Assistant Director, Federal Programs
Branch

/s/ Laurel H. Lum

LAUREL H. LUM

Trial Attorney (NY Bar No. 5729728)

United States Department of Justice

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Counsel for Defendant

EXHIBIT A



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information Act Program
Communications Center
245 Murray Lane, SW, Building T-5
Mail Stop 8205
Washington, D.C. 20223

Date: 10/13/2022

Judicial Watch
425 Third Street, SW, Suite 800
Washington, DC 20024
Attn: William Marshall
bmarshall@judicialwatch.org

File Number: 20210537

Dear Requester:

This is a final response to your Freedom of Information Act (FOIA) request, originally received by the United States Secret Service (Secret Service) on March 25, 2021, for:

1. All records, including but not limited to reports, telephone logs, witness statements, and memoranda, related to the reported purchase, possession, and disposal of a firearm owned by Hunter Biden found in a Delaware dumpster circa October 2018.
2. All records of communications sent to and from USSS officials internally and with outside parties regarding the reported purchase, possession, and disposal of a firearm owned by Hunter Biden found in a Delaware dumpster circa October 2018 referenced in Bullet 1.

The time frame for the records sought is October 1, 2018 to the present.

On April 2, 2021, the Secret Service, after completing a reasonable search for responsive records, made a final determination that no records responsive to your request could be located. However, a letter was sent to you on that date in error mistakenly indicating that the Secret Service located responsive records and that it was processing such records. Instead, a final response "no records" letter should have been sent to you on that date to convey the Secret's Service determination regarding your request.

As you have already filed suit in the United States District Court for the District of Columbia (Case No. 1:22-cv-02841) regarding the above referenced request, there is no further right to administrative appeal this decision outside your pending civil action.

If you need any further assistance, or would like to discuss any aspect of your request, please contact Laurel Lum, Trial Attorney at the U.S. Department of Justice, Civil Division, Federal Programs Branch, at (202) 305-8177 or laurel.h.lum@usdoj.gov.

Sincerely,

A handwritten signature in black ink that reads "Kevin L. Tyrrell". The signature is written in a cursive style with a large initial 'K' and a distinct 'L'.

Kevin L. Tyrrell
Freedom of Information Act Officer
Office of Intergovernmental and Legislative Affairs