

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CATHOLICVOTE CIVIC ACTION, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*

Defendant.

Civil Action No. 23-1166 (AHA)

STATUS REPORT

Pursuant to the Court’s January 23, 2026, Minute Order, the parties, by and through undersigned counsel, file this Status Report for the above-captioned Freedom of Information Act (“FOIA”) lawsuit, wherein Plaintiffs submitted FOIA requests to two DOJ components: the Office of Information Policy (“OIP”) and Federal Bureau of Investigation (“FBI”).

1. Plaintiffs filed the Complaint on April 27, 2023 (ECF No. 1) and Defendant filed an Answer on July 7, 2023 (ECF No. 8).

2. In the Minute Order of September 15, 2025, Defendants were ordered to provide Plaintiff with *Vaughn* indexes by September 29, 2025, for any information withheld and to “file a status report stating the number of records responsive to the two searches that have not been conducted and an appropriate timeline for processing those requests, accounting for the government’s error and the time that has passed.”

Defendants’ Statement

3. Previously, FBI reported that it completed the two aforesaid searches and located approximately 260 responsive pages. These new records required a full review by the relevant

subject matter experts. FBI has completed its release of all responsive, non-exempt records relating to the aforesaid searches. On January 25, 2026, the FBI made a supplemental release to Plaintiff of the material reviewed by subject matter experts, reviewing 263 pages and releasing 75.

4. Further, Defendants report that Plaintiffs were provided with OIP's *Vaughn* index on September 22, 2025, and with FBI's *Vaughn* index on September 29, 2025. After reviewing OIP's *Vaughn* index, Plaintiffs submitted only one question to OIP concerning two index entries. OIP provided its response, through counsel, on February 5, 2026. Additionally, on December 15 and December 16, 2025, Plaintiffs noted their struggles with reading FBI's *Vaughn* index given its font and have raised concerns regarding what they regard to be its lack of "detailed justifications" for any withholdings asserted by FBI. The undersigned counsel for Defendants has conveyed Plaintiffs' concerns to FBI and FBI has stated that it will not be further amending its *Vaughn* index nor will it be able to provide another version of it with a different font.

5. Finally, Defendants note that prior to the filing of the instant Joint Status Report, Plaintiffs advised of their intention to share the *Vaughn* index provided by FBI. Notably, the *Vaughn* index that FBI shared with Plaintiffs is explicitly labeled, in red, as a "**Confidential Settlement Communication Subject to Federal Rule of Evidence 408**" not intended for public release. It appears that Plaintiffs' intention in improperly filing this document on the public docket is to obtain from the Court a premature ruling, prior to the filing of any motions for summary judgment, that FBI has failed to justify its withholdings on the records at issue in this case. Despite this, it is well-established that "FOIA cases are typically and appropriately decided on motions for summary judgment." *Def. of Wildlife v. U.S. Border Patrol*, 623 F. Supp. 83, 87 (D.D.C. 2009); *see also Brayton v. Office of U.S. Trade Rep.*, 641 F.3d 521, 527 (D.C. Cir. 2011). Thus, the Court should reject Plaintiffs' attempt to seek judicial relief in this FOIA action via what should

otherwise be a routine joint status report exclusively filed for the purpose of updating the Court on the status of this case. Unfortunately, Defendants are unable to prevent Plaintiffs from unilaterally filing confidential settlement communications on the public docket, but should Plaintiffs do so over Defendants' objection, Defendants respectfully request that any such filing be stricken from the record or else sealed from public access. In addition, because what was provided to Plaintiffs is merely a draft, and not a final version, the FBI has reserved its right to change its *Vaughn* were the parties to move to briefing.

Plaintiffs' Statement

6. Plaintiffs assume in ordering the Defendants to produce *Vaughn* indices that the Court anticipated that the Defendants would adhere to the Circuit requirements for a proper index. *See e.g., Human Rights Defense Center v. U.S. Park Police*, 126 4th 708, 713 (D.C. Cir. 2025). By failing to include the required justification for the FBI withholdings, Defendants failed to comply with the Court's September 15, 2025, order. *See* Exhibit 1.¹ Plaintiffs also note that the Defendants appear to have failed to comply with this Court's order to produce an adequate *Vaughn* index in at least one other case currently before the Court. *See Judicial Watch, Inc. v. U. S. Dep't of Justice*, Civil Case No. 23-0079. Plaintiffs respectfully request that the Court order Defendants to comply with the September 27, 2025 order and to amend their draft *Vaughn* indices to include

¹ Defendants' contention that the draft FBI *Vaughn* index cannot be considered here is misplaced. First, Rule 408 of the Federal Rules of Evidence is a rule related to the admissibility of evidence, not confidentiality. *See e.g., In re Issued to Commodity Futures Trading Comm'n*, 2005 U.S. Dist. LEXIS 9074, *29 (D.D.C. April 28, 2000); *see also Murchison v. Inter-City Mortg. Corp. Profit Sharing & Pension Plans*, 503 F. Supp. 2d 184, 189, n. 3 (D.D.C. 2007). Second, Plaintiffs are offering part of the index to show the Court that the required justifications are indeed missing and is not offering it to "prove or disprove" whether Defendants properly withheld records. Fed. R. Evid. 408(b).

justifications for all of their withholdings, including the FBI's supplemental January 25, 2026, production before the next status report.

7. Absent an order from the Court to produce a legally sound *Vaughn* index or an order to show cause, Plaintiffs will move for summary judgment. Should Plaintiffs move for summary judgment, Defendants respectfully ask that the Court order the parties to re-file their pre-motion statements (which should include their proposed briefing schedules), so that all parties are clear on what issues ought to be addressed in their briefs.

8. Plaintiffs agree that pre-motion statements are useful, though without a legally sound *Vaughn* index, they are not able to assess specific withholdings to challenge, and summary judgment will most likely need to be accomplished piecemeal which will unnecessarily drag this litigation out and waste judicial resources.

Date: February 6, 2026

/s/ Meredith Di Liberto
MEREDITH DI LIBERTO
D.C. Bar No. 487733
Judicial Watch, Inc.
425 Third Street SW, Suite 800
Washington, D.C. 20224
(202) 646-5172
mdiliberto@judicialwatch.org

Attorney for Plaintiffs

United States Attorney

JEANINE FERRIS PIRRO
United States Attorney

By: Fithawi Berhane
FITHAWI BERHANE
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-6653
Fithawi.Berhane@usdoj.gov

Attorneys for the United States

EXHIBIT 1

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
Catholicvote Civic Action, et al. v. Department of Justice, et al.
 23-cv-1166 (AHA)

Page Disposition Totals	
Total Pages Reviewed:	1000
Released In Full (RIF):	149
Released in Part (RIP):	177
Withheld in Full (WIF):	674
	<ul style="list-style-type: none"> • WIF per FOIA Exemption(s): 217 • WIF as Duplicate (Dup): 457

Exemption Application Index	
SUMMARY OF FOIA EXEMPTION JUSTIFICATION CATEGORIES	
CODED EXEMPTION CATEGORIES	INFORMATION WITHHELD
EXEMPTION 1	INFORMATION CLASSIFIED PER EXECUTIVE ORDER 13526
(b)(1)-1	Information Properly Classified by an FBI Official Pursuant to E.O. 13526
EXEMPTION 3	INFORMATION PROTECTED BY STATUTE
(b)(3)-5	50 U.S.C. §3024(i)(1) - Sources and Methods, Intelligence (National Security Act of 1947)
EXEMPTION 5	PRIVILEGED INFORMATION
(b)(5)-1	Deliberative Process Privilege
EXEMPTION 7(A)	PENDING LAW ENFORCEMENT PROCEEDINGS
(b)(7)(A)-1	Information which, if Disclosed, Could Reasonably be Expected to Interfere with Pending Law Enforcement Proceedings
EXEMPTIONS 6 and 7(C)	CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY AND UNWARRANTED INVASION OF PERSONAL PRIVACY
(b)(6)-1 and (b)(7)(C)-1	Names and Identifying Information of FBI Special Agents and Professional Staff
(b)(6)-2 and (b)(7)(C)-2	Names and Identifying Information of Third Parties who Provided Information
(b)(6)-3 and (b)(7)(C)-3	Names and Identifying Information of Third Parties Merely Mentioned
(b)(6)-4 and (b)(7)(C)-4	Names and Identifying Information of Third Parties of Investigative Interest
(b)(6)-5 and (b)(7)(C)-5	Names and Identifying Information of Non-FBI Federal Personnel
EXEMPTION 7(D)	CONFIDENTIAL SOURCE INFORMATION
(b)(7)(D)-4	Names, Identifying Data and/or Information Provided by Individuals Under an Implied Assurance of Confidentiality
(b)(7)(D)-5	Names, Identifying Data and/or Information Provided by Individuals Under an Express Assurance of Confidentiality
EXEMPTION 7(E)	INVESTIGATIVE TECHNIQUES AND PROCEDURES
(b)(7)(E)-1	Sensitive File Numbers, Subfile Names, Serial Numbers
(b)(7)(E)-2	Identity and/or Location of FBI or Joint Units, Squads, Divisions
(b)(7)(E)-3	Internal FBI Phone Numbers, Email Addresses or Internal/Web Addresses
(b)(7)(E)-4	Collection and Analysis of Information
(b)(7)(E)-5	Investigative Focus of Specific Investigation
(b)(7)(E)-6	Dates/Types of Investigations (Preliminary/Full Investigations)
(b)(7)(E)-7	Database Identifiers and Printouts
(b)(7)(E)-8	Specific Law Enforcement Technique Used to Conduct National Security Investigations
(b)(7)(E)-14	Details of Non-Public Coordination with Other Government Agencies
(b)(7)(E)-16	Undercover Operations
(b)(7)(E)-26	Training Resources
FBI DOCUMENT TYPES	
Electronic Mail Messages (E-mails): These documents consist of e-mails between FBI personnel, between FBI personnel and private citizens/corporations, between FBI personnel and Other Government Agency (OGA) personnel, and/or between FBI personnel and state and local law enforcement agencies.	
Other Government Agency Information: These are documents provided to the FBI by other federal government agencies. This information can be incorporated in FBI documents which disseminate intelligence/investigative information, and can be utilized to set leads in furtherance of the FBI's investigative efforts.	

Document Description	Bates	b1	b3	b5	6/7	6/7	6/7	6/7	6/7	7A	7D	7D	7E	Per DOJ	RIF	RIP	FOIA WIF	Dup	Dup of										
Email chain, dated February 8, 2023, 3:09 PM, from FBI's Office of Public Affairs (OPA) to FBI's other divisions and field offices advising of an inquiry from media about a January Intelligence product from the Richmond field office (FBI Richmond document)	1				x		x	x																	x				
	2								x																	x			
Article published by Kyle Seraphin on February 8, 2023 (Attachment to Bates pages 1-2)	3																								x				
	4																								x				
	5																								x				
	6																								x				
	7																								x				
	8																								x				
	9																								x				
	10																								x				
	11																								x				
Email chain, dated February 8, 2023, 3:09 PM, from FBI's OPA to FBI's other divisions and field offices, adding other personnel from the FBI's Office of General Counsel concerning the inquiry from media about a January Intelligence product from the Richmond field office (FBI Richmond document)	12				x			x																		x			
	13								x																		x		
Duplicate of article released in full at Bates pages 3-11	14																										x	3	
	15																											x	4
	16																											x	5
	17																											x	6
	18																											x	7
	19																											x	8
	20																											x	9
	21																											x	10
22																											x	11	
Email chain, dated February 8, 2023, 3:25 PM, from FBI's Office of General Counsel (OGC) to FBI's other divisions and field offices for purpose of adding in additional recipients to email chain concerning media request about Richmond document	23				x			x																			x		
Duplicate to portions of email chain at Bates pages 12 -13	24																											x	12-13
Duplicate to portion of email chain at Bates page 13	25																											x	13
Email confirming receipt of email chain, dated February 8, 2023, 3:47 PM from FBI's Security Division (SecD) to other FBI's divisions and field offices, concerning media request about Richmond document	26				x																						x		
Duplicate to portions of email chain at Bates pages 12 -13	27																											x	12-13
Duplicate to portion of email chain at Bates page 13	28																											x	13
Email from FBI's OPA personnel to FBI's other divisions and field offices, dated February 8, 2023, 4:25 PM, for purpose of adding personnel from the Directorate of Intelligence (DI) to the email chain concerning media request about the Richmond document and requesting information about the document's origin	29				x																							x	
	30				x			x																				x	
Duplicate to portions of email chain at Bates pages 12 -13	31																											x	12-13
Duplicate to portion of email chain at Bates page 13	32																											x	13
Email from chain with an attachment, dated February 8, 2023, 4:39 PM, from FBI's Counterterrorism Division (CTD) to FBI's National Security Branch (NSB) forwarding the OPA email chain concerning the media request about the Richmond document	33				x			x																				x	