

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

THE JAMES MADISON PROJECT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:22-cv-00092-JMC
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

JOINT STATUS REPORT AND PROPOSED SCHEDULE

The parties, by counsel, respectfully submit this Joint Status Report and Proposed Schedule in response to the Court’s May 10, 2022 Minute Order.

1. Plaintiffs filed the above-captioned lawsuit against the U.S. Department of Justice (“DOJ”) on January 13, 2022, seeking records from the Federal Bureau of Investigation (“FBI”) and the DOJ Office of the Inspector General (“OIG”) related to the investigation and prosecution of Mr. Michael Cohen, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. ECF No. 1, Complaint.

2. Defendant answered the complaint on February 23, 2022. ECF No. 8, Answer.

3. The OIG has completed its search and identified no responsive documents. On March 10, 2022, the OIG provided its final response to Plaintiffs’ request. The Plaintiffs provided additional information to consider last month and the OIG has recently provided its response. The Plaintiffs are presently considering OIG’s response.

4. The FBI has completed its search and is still in the process of gathering all potentially responsive records for review and processing. So far the FBI has identified over 450,000 pages of potentially responsive material, and that number is still expected to increase.

Given the volume of potentially responsive materials identified so far, the parties have begun discussing ways to narrow the scope of the search and review for this case.

5. Plaintiffs have agreed to waive the search for and processing of any grand jury material. Also, at Plaintiffs' request, the FBI has agreed to prioritize the processing of FD-302s, the forms used by the FBI to record investigative activity, without prioritizing at this point the attachments or media associated with FD-302s, and to begin processing the FD-302s that are identified while the FBI continues its work gathering potentially responsive material. As to the rest of the potentially responsive documents, Plaintiffs have agreed to postpone FBI's processing of all attachments and media, with the plan to revisit the processing of attachments and media after the parties have a better sense of what those records might contain.

6. The FBI anticipates it will begin processing the prioritized FD-302s on a rolling basis at a rate of 500 pages per month and expects to have completed its review of the first 500 pages within 90 days, by August 22, 2022. The FBI expects that some of these pages will require consultation with other entities with equities in the records before it can make a final decision regarding the release or withholding of the pages. After the FBI has completed processing the prioritized FD-302s and finished gathering the full set of potentially responsive material, the FBI anticipates it will review non-prioritized material at the same rolling rate of review and expects those pages may require additional consultation before it can make a final decision regarding the release or withholding of the pages.

7. The Plaintiffs view the August 2022 date as too lengthy. The requests in question were submitted to the FBI more than seven (7) months ago, and this lawsuit is already over four months (4) old yet no substantive actions have taken place yet. Plaintiffs' undersigned counsel are certainly well aware of the backlog that befalls the FBI and are amenable as being as

accommodating as possible. But a forty-five (45) day turnaround for the first rolling production seems far more reasonable to balance all concerns. Additionally, the Plaintiffs respectfully request that the FBI identify any agencies to which it refers documents or consults with if such action creates further delay.

8. The parties have discussed the FBI's proposed processing of the potentially responsive materials. Plaintiffs object to the FBI's processing rate of 500 pages per month, particularly on a topic that has received a great deal of news attention, and are willing to provide the Court with caselaw where the FBI (as well as other agencies) have been required to process far more than 500 pages per month. The FBI is likewise willing to support its proposed processing rate with caselaw authority. However, given that the FBI continues to gather potentially responsive records, the parties will address this issue in their next joint status report.

9. In light of the current circumstances and a mutual desire to continue forward movement of this litigation, the parties respectfully propose that their next joint status report be due on or before June 30, 2022.

Dated: May 23, 2022

Respectfully submitted,

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