

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL J. BERNSTEIN,

Plaintiff,

v.

NATIONAL INSTITUTE OF STANDARDS
AND TECHNOLOGY et al.,

Defendants.

Civil Action No. 22-2319 (DLF)

JOINT STATUS REPORT

Pursuant to this Court’s Minute Orders (Oct. 15, 2022 and Sept. 21, 2022), Plaintiff Daniel J. Bernstein and Defendants National Institute of Standards and Technology and U.S. Department of Commerce, by and through the undersigned counsel, respectfully submit this Joint Status Report (“JSR”) to update the Court on the status of the search for, processing of, and production of records responsive to Plaintiff’s request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and propose further proceedings in this case.

Defendants’ search for responsive records is mostly complete, although they are double-checking a few older systems, which they expect to finish by the end of 2022. A search of emails turned up roughly 514,000 potentially responsive records, comprising roughly 37.5 gigabytes of data, although some or many of these may be duplicates. Given the nature of the records at issue, Defendants expect a need to obtain consultation and/or clearance from various agency components and/or other agencies prior to production. By the end of 2022, Defendants expect to have sorted all records for release, further processing, or consultation/clearance. Defendants expect to finish processing emails by the end of 2023. Defendants will make rolling productions as they process

records. Thus far, Defendants have made four releases, consisting of 92 records produced in full, and are currently working on two more releases. The parties propose that the Court direct them to file another JSR on January 18, 2023, and every 90 days thereafter until production is complete, a stipulation of dismissal is filed, or the parties move for a briefing schedule for dispositive motions.

Dated: October 18, 2022

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Respectfully submitted,

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