

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 Order (Oct. 18, 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.

As previously reported, Defendants expect to make a final determination on Plaintiff’s FOIA request by the end of 2023, and are releasing records on a rolling basis as they are processed. Defendants began producing responsive records on August 31, 2022, and have thus far made eight releases, furnishing Plaintiff with 195 records (comprising 3,653 pages) in full and 1 record (comprising 17 pages) with some information redacted pursuant to Exemption 6. The following table summarizes Defendants’ productions to date:

Production	Date	Documents	Pages	Exemption Notes
Interim release 1	2022-08-31	3	49	released in full
Interim release 2	2022-09-14	4	89	released in full
Interim release 3	2022-10-03	30	735	released in full
Interim release 4	2022-10-12	55	612*	released in full
Interim release 5	2022-11-07	25 1	532 17	released in full partial withholding per (b)(6)
Interim release 6	2022-12-09	12	205	released in full
Interim release 7	2023-01-03	31 1	570 6	released in full withheld in full under (b)(5)-DPP
Interim release 8	2023-01-13	35	861	released in full

The parties propose that the Court direct them to file another JSR by April 18, 2023.

Dated: January 18, 2023

/s/ Josh Loevy

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Respectfully submitted,

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