

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 on January 18, 2023, 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 started producing responsive records on August 31, 2022, and have thus far made 11 releases, furnishing Plaintiff with 258 records (comprising 4,358 pages) in full and 1 record (comprising 17 pages) with some information redacted pursuant to Exemption 6. Defendants have also informed Plaintiff that they are withholding 1 record (comprising 6 pages) pursuant to Exemption 5. The table below provides further details about the 11 releases.

Production	Date	Documents	Pages	Exemption Notes
IR1	8/31/2022	3	49	released in full
IR2	9/14/2022	4	89	released in full
IR3	10/3/2022	30	735	released in full
IR4	10/12/2022	55	612	released in full
IR5	11/7/2022	25	532	released in full
		1	17	partial withholding per (b)(6)
IR6	12/9/2022	12	205	released in full
IR7	1/3/2023	31	570	released in full
		1	6	withheld in full under (b)(5)-DPP
IR8	1/13/2023	35	861	released in full
IR9	2/3/2023	20	341	released in full
IR10	2/9/2023	31	177	released in full
IR11	3/14/2023	12	187	released in full

The parties propose that the Court direct them to file another JSR by July 17, 2023.

Dated: April 18, 2023

/s/ Merrick Wayne

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Respectfully submitted,

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