

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 April 19, 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.

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 14 releases, furnishing Plaintiff with over 5,000 pages of responsive records. (301 records comprising 4,987 pages of records have been released in full, 1 record comprising 17 pages had some information redacted pursuant to Exemption 6, and 1 record comprising 6 pages was withheld pursuant to Exemption 5.) The table below provides further details about the releases. The parties propose that the Court direct them to file another JSR by September 18, 2023.

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 1	532 17	released in full partial withholding per (b)(6)
IR6	12/9/2022	12	205	released in full
IR7	1/3/2023	31 1	570 6	released in full 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
IR12	5/4/2023	18	237	released in full
IR13	5/16/2023	10	182	released in full
IR14	6/16/2023	15	210	released in full

Dated: July 17, 2023

/s/ Merrick Wayne

Matthew Topic, D.C. Bar No. IL0037
Merrick Wayne, D.C. Bar No. IL0058
Stephen Stich Match, D.C. Bar No. MA0044
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
(Tel:) 312-243-5900
foia@loevy.com

Counsel for Plaintiff

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar #481052

BRIAN P. HUDAK
Chief, Civil Division

By: /s/ Bradley G. Silverman

BRADLEY G. SILVERMAN
Assistant United States Attorney
D.C. Bar #1531664
U.S. Attorney's Office
District of Columbia
601 D Street NW
Washington, DC 20530
(202) 252-2575
bradley.silverman@usdoj.gov

Counsel for Defendant