

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD FOUNDATION,

Plaintiff,

v.

OFFICE OF PERSONNEL MANAGEMENT,
et al.,

Defendants.

Civil Action No. 25-0858 (SLS)

JOINT STATUS REPORT

Pursuant to the Court’s May 31, 2025, Minute Order, Plaintiff Democracy Forward Foundation (“DFF”) and Defendants the Office of Personnel Management (“OPM”) and the Office of Management and Budget (“OMB”), respectfully submit this joint status report. This lawsuit stems from Freedom of Information Act (“FOIA”) requests that Plaintiff sent to Defendants concerning Agency RIF and Reorganization Plans (“ARRPs”). *See generally* Am. Compl. The parties report as follows:

OPM Requests

1. OPM FOIA request 25-OPM-1202-F contains two subparts and seeks electronic communications from a number of officials relating to the development, approval, and implementation of ARRPs. OPM completed its search for records. The searches yielded a total of 930 Outlook items for Subpart 1, and 1,969 Outlook items for Subpart 2.

2. Since the last joint status report, OPM reviewed 250 pages of emails and determined that none were responsive to the request. OPM will continue to endeavor processing approximately 250 pages per month.¹

3. OPM intends to issue its second interim production by August 30, 2025.

4. Given the volume of potentially responsive records, Plaintiff has narrowed this request by reducing the number of custodians whose communications are requested from 26 to 9.

5. OPM FOIA request 25-OPM-1201-F seeks ARRPs submitted to OPM. OPM anticipates issuing a response to that request on or about August 8, 2025.

OMB Request

6. OMB has completed its search for records potentially responsive to Plaintiff's request and has identified approximately 120 agency plans. With the exception of one agency plan that was released as part of the administrative record in another matter, OMB's position, as stated in the Walsh Declaration (ECF 9-1 ¶ 22), is that the agency plans sought by Plaintiff are inherently predecisional and deliberative, and therefore protected from disclosure under FOIA Exemption 5, 5 U.S.C. § 552(b)(5). For this reason, with the one exception noted above, OMB does not anticipate the release of any additional records responsive to Plaintiff's request. OMB has communicated to Plaintiff that this is its final determination.

¹ Plaintiff represents that it has raised questions to OPM given that it determined such a substantial number of the potentially responsive communications records containing the terms "Agency RIF and Reorganization Plans" OR "Agency RIF and Reorganization Plan" OR ARRPs OR "RIF plan" OR "RIF plans" were deemed nonresponsive to a request concerning communications about ARRPs or RIF plans. Plaintiff, at a minimum, seeks to ensure that the search for potentially responsive records is efficient so that the production schedule in this matter is not unduly long.

OPM responds that it will confer with Plaintiff about its concerns regarding how OPM is processing the request.

7. Given its open questions to OPM, Plaintiff proposes that the parties confer and file another joint status report by September 3, 2025.

8. Defendants propose that the parties confer and file another joint status report by September 30, 2025.

Date: July 30, 2025

/s/ Daniel A. McGrath
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Respectfully submitted,

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