

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD FOUNDATION,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendants.

Civil Action No. 25-4340 (TNM)

JOINT STATUS REPORT

Pursuant to the Court’s February 9, 2026, Minute Order, Plaintiff Democracy Forward Foundation and Defendants Department of Justice and Department of Treasury (collectively, the “Parties”), by and through undersigned counsel, respectfully submit the Parties’ first joint status report.

This case concerns Plaintiffs’ five Freedom of Information Act (“FOIA”) requests for records submitted on October 23, 2025. *See* Compl. (ECF No. 1). The separate headings below indicate to which agency and/or Department of Justice component Plaintiff sent each FOIA request. The Office of Information Policy (“OIP”), Civil Division (“CIV”), Criminal Division (“CRM”), Justice Management Division (“JMD”), Executive Office of U.S. Attorneys (“EOUSA”), and the Federal Bureau of Investigation (“FBI”) are components of the Department of Justice. The FOIA requests sent to the Department of the Treasury were sent to its Bureau of Fiscal Service (“BFS”).

The status of Plaintiff’s FOIA requests is as follows. Each agency and/or component reports separately below and speaks only for itself.

I. Processing of Plaintiff's FOIA Requests

A. Payments Request (OIP, CIV, CRM, JMD, Treasury's BFS)¹

1. **OIP** reports that after internal coordination, it was determined that CIV is the DOJ component that would most likely maintain any potentially responsive records. Therefore, OIP is intending to defer to the search conducted by CIV. Once the CIV search is complete, OIP will coordinate with CIV and other components thereafter to ensure search adequacy.

2. **CIV** reports that it is continuing to evaluate this request and has inquired with potential records custodians within the Civil Division as to whether the Civil Division maintains any potentially responsive records. The Civil Division will endeavor to complete these inquiries and either provide a response or an update on any relevant processing details by the date of the next status report.

3. **CRM** reports that it has executed three searches. Two of CRM's searches are complete, and CRM did not locate any potentially responsive records. One search remains ongoing; CRM expects to complete that search in approximately thirty days.

4. **JMD** reports that it sent a final response to Plaintiff on February 3, 2026. JMD conducted a search and found no records responsive to the request.

5. **Treasury's BFS** reports that it has conducted searches in response to this FOIA request but so far has not located anything responsive. BFS' searches are ongoing. BFS anticipates completing its search in approximately thirty days. If BFS does not locate any records, it will issue a "no records" response to Plaintiff.

B. Claims Submitted Request (OIP, CIV, CRM, EOUSA, FBI)

¹ The Parties replicate the headings used in Plaintiff's Complaint to delineate these FOIA requests.

1. **OIP** reports the same as it reports above in § I.A.1.

2. **CIV** reports the same as it reports above in § I.A.2.

3. **CRM** reports the same it reports above in § I.A.3.

4. **EOUSA** reports that EOUSA responded to Plaintiff on December 31, 2025, stating that to process the request EOUSA would need the exact United States Attorney's office that the records would be located or the requester would like searched. Today, Plaintiff conveyed through counsel that it believes a reasonable search would include the offices of the Southern District of Florida, the Southern District of New York, and the District of Columbia. EOUSA will report back.

5. **FBI** reports that it has approximately 60 pages of responsive records. The FBI's processing will be complete on or about April 30, 2026. However, the FBI will need to send the pages for consultation to CIV and a non-party agency because they have equities in the pages. FBI will send Plaintiff a letter noting as much on or about April 30, 2026. After the consultations are complete, FBI will release responsive, non-exempt records.

C. Ethics and Recusals Request (OIP and JMD)

1. **OIP** reports the same as it reports above in § I.A.1.

2. **JMD** reports that its searches for records remain ongoing. To date, JMD FOIA program staff reviewed the request with JMD's Departmental Ethics Office to identify custodians and keywords to conduct eDiscovery searches. JMD's Departmental Ethics Office is responsible for administering the Department-wide ethics program and for implementing Department-wide policies on ethics issues and therefore would be the custodians of the records requested. On February 3, 2026, JMD's eDiscovery team initiated searches. Ediscovery searches concluded on February 17, 2026, locating 19,847 items. These items need review for responsiveness. Plaintiff

is willing to confer with JMD about its search and may consider narrowing measures in an effort to avoid an extended production schedule.

3. JMD's Departmental Ethics Office is also experiencing a high volume of ethics program related inquiries and requests, and staff shortages. Staff in the Departmental Ethics Office are reviewing the 19,847 eDiscovery results for responsiveness. JMD reports that its processing remains ongoing for three reasons. No JMD FOIA work was done during the historic government shutdown, which lasted for 43 days (October 1, 2025 - November 12, 2025), because FOIA staff were furloughed. JMD has also received a high volume of FOIA requests this fiscal year. In addition, staff shortages have contributed to FOIA backlogs and delays in responding to FOIA requests within JMD.

D. Civil Division Communications Request (CIV)

1. CIV reports the same as it reports above in § I.A.2.

E. OIP Communications Request

1. OIP reports the same as it reports above in § I.A.1.

II. Request for Expedited Processing

The Parties continue to discuss how to address the matter of Plaintiff's request for expedited processing of its FOIA requests submitted on October 23, 2025. Plaintiff alleges that it submitted a letter on November 19, 2025, requesting expedited processing of these FOIA requests only to Defendant Department of Justice's OIP, CIV, CRM, JMD, and EOUSA. Compl. ¶ 9. These Department of Justice components report that they searched, and they all deny receiving Plaintiff's request for expedited processing. Answer ¶ 9. Plaintiff has sent further materials to Defendants through counsel to support locating this request for expedited processing. These Department of Justice components are examining the latest materials Plaintiff sent and will report

back. Plaintiff is evaluating Defendants' response efforts to determine whether it is necessary for Plaintiff to pursue its expedited processing claims.

III. Plaintiff's Statement

Plaintiff notes that it has requested information from Defendants about why OIP has deferred its search efforts, particularly in light of OIP's receipt of a request for communications records of OIP custodians, including of the Deputy Attorney General's Office, which has a statutory role in the approval of settlement claims like those that are the subject of this request. Plaintiff has also requested that the FBI identify the "non-party agency" that it plans to consult on the responsive documents at issue.

IV. Additional Initial FOIA Matters

At this time, Defendants do not seek or plan to seek a stay of proceedings pursuant to 5 U.S.C. § 552(a)(6)(C), and *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976). Defendants reserve the right to request such a stay at a later time.

The Parties are engaged in discussions regarding Defendants' responses to Plaintiff's FOIA requests continue.

Considering that the Parties' discussions continue, the Parties do not at this time propose a briefing schedule on any motions.

In consideration of the foregoing, the Parties respectfully propose that the Court permit the Parties to submit another joint status report in sixty days, on Friday May 8, 2026, updating the Court on the status of the processing of Plaintiffs' FOIA requests.

Dated: March 9, 2026
Washington, D.C.

Respectfully submitted,

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