

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:22-cv-24023-SCOLA/GOODMAN**

KENNETH C. GRIFFIN,

Plaintiff,

v.

INTERNAL REVENUE SERVICE and U.S.
DEPARTMENT OF THE TREASURY,

Defendants.

JOINT INTERIM STATUS REPORT

The parties in the above-captioned action (collectively, “Parties”), by and through their respective undersigned counsel and in accordance with this Court’s June 6, 2023 Scheduling Order and Order of Referral to Mediation (ECF No. 30), hereby submit this Joint Interim Status Report:

(a) Have all defendants been served? If not, state the reasons.

Yes.

(b) Have all defendants responded to the complaint? If not, state the reasons.

Yes. On April 25, 2023, Defendants filed a Motion to Dismiss Plaintiff’s Complaint (ECF No. 23). The Motion to Dismiss is fully briefed and pending the Court’s resolution.

(c) If this is a class action, has a motion for class certification been filed? If so, what is its status?

This is not a class action.

(d) Have the parties agreed on and selected a mediator? Have the parties agreed upon a place, date, and time for mediation?

The Parties have agreed on and selected Elaine E. Feldman, Esq. as a mediator (*see* ECF No. 35 at 1). The Parties have not yet agreed upon a place, date, and time for mediation, but the

Parties intend to comply with the Court's November 28, 2023 deadline to file their Proposed Order Scheduling Mediation (ECF No. 30 at 1) and the Court's February 6, 2024 deadline to complete mediation (ECF No. 30 at 2).

- (e) **Have the parties engaged in informal settlement negotiations? If not, explain the reasons for the failure to do so. If yes, state the status of such negotiations (e.g., ongoing, impasse, etc.) and the relative prospects for resolution through informal means.**

The Parties have engaged in informal settlement negotiations which remain ongoing. Settlement is unlikely at the present time. However, the Parties remain open to resolving this matter amicably through settlement, if possible.

- (f) **Describe the status of discovery conducted to date, and identify whether the parties reasonably believe that they will be able to complete discovery by the Court's deadline. If not, explain the reasons.**

To date, the following discovery has been conducted: (1) the Parties exchanged initial disclosures on June 26, 2023; (2) Defendants informally requested copies of the documents disclosed by Plaintiff and then, on Plaintiff's request, served requests for production on Plaintiff on July 10, 2023; (3) Plaintiff responded to Defendants' requests for production and produced responsive documents on August 9, 2023; (4) Plaintiff served his first set of requests for admission, interrogatories, and requests for production on Defendants on July 28, 2023; (5) Defendants provided responses and objections to the same on September 11, 2023; and (6) Plaintiff served subpoenas *duces tecum* for documents on Pro Publica, Inc.; Mick Dumke; Jesse Eisinger; Jeff Ernsthausen; Paul Kiel; and Ash Ngu ("ProPublica Subpoenas") on August 22, 2023, with responses to the ProPublica Subpoenas currently due September 26, 2023, and a deadline to begin production of materials in response to the ProPublica Subpoenas, if any, is currently October 6, 2023.

Plaintiff anticipates that at least one additional round of written discovery, as well as depositions of certain individuals identified in materials exchanged in discovery, will be necessary to complete fact discovery. Defendants maintain that fact discovery can be completed by the current deadline of January 9, 2024. However, the position Defendants state in the Parties' Joint Scheduling Report (*see* ECF No. 29 at 4) and reiterate in their Responses and Objections to Plaintiff's first set of discovery may require this Court's consideration and resolution before additional fact discovery can be completed.¹ Accordingly, although the Parties have been diligent in conducting discovery, the Parties may not be able to complete fact discovery by the current deadline. As such, the Parties request the Court's permission to file an additional Joint Status Report in November 2023 to provide the Court an update on the Parties' discovery efforts or, alternatively, that the Court set a status conference prior to the expiration of the discovery deadline to discuss the status of discovery and whether an extension of the deadlines set forth in the Court's Scheduling Order is necessary.

(g) Identify any other issues that the Court should be aware of that may affect the resolution of this matter or the schedule as currently set.

None at this time.

Dated: September 12, 2023

Respectfully submitted,

For Plaintiff

By: /s/ Jason D. Sternberg

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¹ Plaintiff notes that potential discovery disputes requiring motions practice might also arise depending on the responses Plaintiff receives to the ProPublica Subpoenas.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of September, 2023, I filed a copy of the foregoing document with the Clerk of Court using the CM/ECF electronic filing system, which will send notification to all counsel of record.

By: /s/ Jason D. Sternberg
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