

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND )		
ETHICS IN WASHINGTON, )		
Plaintiff, )		Civil Action No. 1:07-CV-1361 (RMU)
v. )		
U.S. DEPARTMENT OF HOMELAND )		
SECURITY, )		
Defendant. )		
)		

**JOINT STATUS REPORT**

Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) and Defendant United States Department of Homeland Security (“DHS”) respectfully submit this Joint Status Report.

CREW filed its Complaint on July 26, 2007, alleging that six components of DHS failed to produce records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and improperly denied its requests for fee waivers. DHS answered the Complaint on August 29, 2007. On September 28, 2007, January 11, 2008, May 9, 2008, and August 29, 2008, the parties filed Joint Status Reports with the Court. In its October 1, 2007, February 11, 2008, and May 12, 2008 Orders, the Court deferred the initial status conference and briefing schedule pursuant to the parties’ request and ordered the parties to file subsequent Joint Status Reports.

The parties still wish to resolve this case, to the greatest extent possible, without further contested proceedings. The parties have worked together to narrow the scope of CREW’s FOIA requests and to reach a mutually agreeable schedule for releasing requested documents except

those records or portions of records DHS claims are exempt under applicable law, including 5 U.S.C. § 552(b). Following is the status of each agency's production to CREW:

United States Coast Guard

The United States Coast Guard ("Coast Guard") sent responsive documents to CREW on May 8, 2007 and on November 23, 2007, and has determined that its production is complete. CREW is satisfied with the Coast Guard's release of documents, and will not contest the withholdings made pursuant to Exemptions 4 and 5 of the FOIA.

United States Secret Service

The United States Secret Service ("Secret Service") sent responsive documents to CREW on August 22, 2007. CREW is satisfied with the Secret Service's release of documents, and will not contest the withholdings made pursuant to Exemptions 2, 4, 6, and 7(C) of the FOIA.

Federal Emergency Management Agency

The Federal Emergency Management Agency ("FEMA") sent responsive documents to CREW on November 14, 2007, and has determined that its production is complete. CREW has informed FEMA that it has not received a National Disaster Medical System ("NDMS") contract that was referred to DHS. FEMA has informed CREW that it will release the contract.

United States Immigration and Customs Enforcement

The United States Immigration and Customs Enforcement ("ICE") sent responsive documents to CREW on December 28, 2007 and May 8, 2008. CREW has informed ICE that it will contest the withholdings made pursuant to Exemptions 2, 3, and 5 of the FOIA, but will not contest the withholdings made pursuant to Exemptions 4 and 6. ICE is reviewing its

withholdings to determine if any non-privileged information can be released to CREW.

Transportation Security Administration

The Transportation Security Administration (“TSA”) sent responsive documents to CREW on March 28, 2008. CREW has informed TSA that it will contest the withholdings made pursuant to Exemption 5 of the FOIA, but will not contest the withholdings under Exemptions 2 and 6. TSA is reviewing its Exemption 5 withholdings to determine if any non-privileged information can be released to CREW.

United States Customs and Border Protection

The United States Customs and Border Protection (“CBP”) completed its production of documents to CREW on October 6, 2008. CREW is reviewing these documents, and reserves the right to contest any claimed exemptions under the FOIA by CBP.

If necessary, DHS will provide to CREW a Vaughn index in order to identify the documents or portions of documents withheld, state the statutory exemption claimed, and explain the basis for the exemption.

The parties respectfully request that the Court allow them to defer an initial status conference or briefing schedule and to submit an updated joint status report by January 30, 2009.

Seen and agreed to:

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Dated: November 21, 2008