UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW,)))
Plaintiff,)
v.) Civil Action No. 1:20-cv-02674-TJK
UNITED STATES DEPARTMENT OF COMMERCE, et al.,)))
Defendants.)))

JOINT STATUS REPORT

Plaintiff and Defendants, by their counsel, respectfully submit this Joint Status Report pursuant to the Court's Minute Order of June 17, 2021.

- 1. Defendant Department of Commerce produced additional documents and an accompanying *Vaughn* index responsive to subpart 4 of Plaintiff's Freedom of Information Act ("FOIA") requests on August 13, 2021 (2 documents produced), and September 13, 2021 (83 documents produced). These productions were comprised of documents previously under interagency consultation. Completion of these productions concluded Defendant Department of Commerce's response to subpart 4 of the FOIA requests.
- 2. On August 13, 2021, Defendant Census Bureau produced 1,146 pages of documents in response to subpart 4 of Plaintiff's FOIA requests and provided an accompanying *Vaughn* index. This production concluded Defendant Census Bureau's response to subpart 4 of the FOIA requests.

- 3. Plaintiff will not seek additional records in response to subpart 4 of its FOIA Requests, or, as noted in the August 16, 2021 Joint Status Report, any other subparts of its FOIA requests submitted to Defendants. Plaintiff has therefore determined that it will not further contest the completeness of Defendants' responses to its FOIA Requests or raise further challenges to Defendants' withholding of responsive records or portions of records based on claimed exemptions.
- 4. The parties have commenced negotiations regarding whether and to what extent Plaintiff is entitled to a reasonable attorneys' fee award, pursuant to 5 U.S.C. § 552(a)(4)(E)(i), and have agreed to work cooperatively to conclude this litigation.
- 5. The parties intend to file a further Joint Status Report in 60 days, on December 14, 2021, pursuant to the Court's Minute Order of June 17, 2021.

Dated: October 15, 2021

BRIAN D. NETTER
Deputy Assistant Attorney General

ELIZABETH J. SHAPIRO Deputy Director, Federal Program Branch

/s/ Stephen M. Elliott

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Respectfully submitted,

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