

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

NATIONAL ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS

and

DEPARTMENT OF JUSTICE,

Defendants.

No. 18-cv-2399-KBJ

MOTION FOR STATUS CONFERENCE

Pursuant to Rule 16(a) of the Federal Rules of Civil Procedure, Plaintiff National Association of Criminal Defense Lawyers (“NACDL”) respectfully requests the Court set a status conference to resolve the scheduling disputes outlined in the parties’ March 4, 2019 Joint Status Report. *See* Joint Status Report (“Mar. 4 JSR”), ECF No. 20. In support of this request, NACDL states the following:

1. This is an action under the Freedom of Information Act (“FOIA”). 5 U.S.C. § 552. NACDL is seeking records from the Federal Bureau of Prisons (“BOP”) and various Department of Justice (“DOJ”) offices pertaining to the government’s monitoring of emails sent between federal inmates and their attorneys.

2. Per the Court’s February 11, 2019 order, on March 4, 2019, the parties filed a joint status report setting forth their proposed schedules for disclosure of responsive records. Mar. 4 JSR.

3. The parties agreed as to the timing of searches and productions by BOP and DOJ's Office of Information Policy. *See* Mar. 4 JSR ¶¶ 7–8, 15–16.

4. The parties further agreed that a subsequent joint status report should be filed on 30 days later (i.e., April 3, 2019). *See* Mar. 4 JSR ¶¶ 12, 20.

5. The parties could not come to agreement on the search or production timelines proposed by DOJ's Criminal Division, Office of Legal Counsel, or Executive Office for United States Attorneys. *See* Mar. 4 JSR ¶¶ 9–11, 17–19.

6. Pursuant to Federal Rule of Civil Procedure 16(a), NACDL requests that the Court convene a status conference. Fed. R. Civ. P. 16(a). It would “expedit[e] disposition of the action” for the Court to hear the parties’ disputes and enter a schedule for the searches and productions in this case. *Id.* NACDL submitted the three FOIA requests underlying this matter on August 2, 2018, and filed this case more than five months ago. The first step in any FOIA matter is for the government to conduct a search for responsive records, then to process and produce those records, noting withholdings and related justifications along the way. Despite the time that has elapsed, this process has hardly begun. NACDL is concerned that this case will be needlessly drawn out, depriving NACDL of records to which it is entitled, without the Court’s intervention.

7. Pursuant to Local Civil Rule 7(m), undersigned counsel for NACDL contacted counsel for the Defendants to discuss this Motion and the reasons for requesting the status conference. Opposing counsel indicated that the Defendants take no position on NACDL’s request.

DATED: March 21, 2019

Respectfully submitted,

/s/ Megan Graham

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[PROPOSED] ORDER

Upon consideration of Plaintiff's Motion for a Status Conference, and the entire record in this case, it is hereby ORDERED that:

1. Plaintiff's Motion is hereby GRANTED, and
2. The parties shall appear before the Court for a status conference on _____, 2019 at ___:___ am / pm.

DATED: March ___, 2019

KETANJI BROWN JACKSON
UNITED STATES DISTRICT JUDGE