

1 of Homeland Security (“DHS”) (collectively “defendants”) on April 14, 2022. Defendants filed
2 an Answer on May 23, 2022.

3 Following the filing of Defendants’ Answer, the parties have been engaged in negotiations
4 regarding the scope of records Defendants will produce and the rate of Defendants’ processing
5 and production. Those negotiations remain ongoing at this time. As of the date of this filing,
6 ICE has not released any records in response to the Request.

7 3. Legal Issues

8 Whether defendants violated FOIA by failing to respond to plaintiffs’ FOIA request and by
9 failing to make available the records sought in the request.

10 4. Motions

11 There are no prior or pending motions. The parties will endeavor to resolve any disputes that
12 may arise without motion practice.

13 5. Amendment of Pleadings

14 The parties do not currently anticipate amending their pleadings

15 6. Evidence Preservation

16 The parties certify that they have reviewed the Guidelines Relating to the Discovery of
17 Electronically Stored Information (“ESI Guidelines”). The parties acknowledge their duty to
18 preserve relevant materials in accordance with applicable rules and case law.

19 7. Disclosures

20 At this time the parties do not anticipate the need for discovery in this FOIA action and
21 request that they be relieved from the initial disclosure and conference requirements of Federal
22 Rule of Civil Procedure 26(a) and (f).

23 8. Discovery

24 To date, no discovery has been taken by any party, and the parties do not anticipate the need for
25 discovery.

26 9. Class Actions

27 This is not a class action.

28 10. Related Cases

Counsel for the parties are unaware of any related cases before another judge of this Court.

1 11. Relief

2 In their Complaint, plaintiffs seek a declaration that defendants violated FOIA by failing to
3 determine whether to comply with the Request within 20 days and by unlawfully withholding the
4 requested records. They also seek an order requiring defendants to immediately disclose the
5 requested records, as well as attorneys' fees and costs.

6 In their Answer, defendants respectfully request that plaintiffs take nothing by their Complaint;
7 that the Complaint be dismissed with prejudice; that no injunctive relief be awarded to plaintiffs;
8 that defendants be awarded their costs of suit; and that judgment be entered in favor of
9 defendants.

10 The parties are engaged in negotiations to resolve the scope of any relief provided in this action.

11 12. Settlement and ADR

12 The parties are working to resolve their disputes and do not believe that ADR is necessary or
13 appropriate at this time.

14 13. Consent To Magistrate Judge For All Purposes

15 Plaintiffs and defendants have consented to assignment of this case to a magistrate judge for all
16 purposes.

17 14. Other references

18 The parties agree that this case is not suitable for reference to binding arbitration or a special
19 master, or reference to the Judicial Panel on Multidistrict Litigation.

20 15. Narrowing of Issues

21 The parties have conferred, and intend to continue conferring, in an effort to reach agreement
22 regarding the scope of the Request and defendant's processing and production of documents.

23 16. Expedited Trial Procedures

24 The parties anticipate that this FOIA case will be resolved through a negotiated settlement or on
25 cross-motions for summary judgment, rendering this provision inapplicable.

26 17. Scheduling

27 Plaintiffs' Statement

28 Plaintiffs seek a schedule according to which defendants will process and produce records
responsive to plaintiffs' FOIA request. To date, defendants have not produced any responsive

1 records. In a letter dated July 12, plaintiffs proposed a narrowing construction of their FOIA
2 request in exchange for an expedited processing request. Plaintiffs have not received a complete
3 response to this letter. Plaintiffs are willing to continue to negotiate with defendants on a
4 processing and production schedule but request the Court to order the parties to file joint status
5 reports every 30 days to report on their progress, and may seek a Court order requiring
6 defendants to process and produce records if progress is not forthcoming.

7 Defendant's Statement

8 Defendants continue to negotiate in good faith with plaintiffs regarding both the substantive
9 scope and the rate of records to be produced in response to plaintiffs' FOIA request. Defendants
10 agree with plaintiffs that further updates to the Court should be provided in regular joint status
11 updates. However, defendants respectfully submit that it would better conserve the Court's and
12 the parties' resources to submit joint statements every 90 days, rather than every 30 days.

13 18. Trial

14 The parties anticipate that this case will be resolved through a negotiated settlement or on
15 summary judgment and do not anticipate a trial.

16 19. Disclosure of Non-party Interested Entities or Persons

17 Plaintiffs have filed the Certification of Interested Entities or Persons. Defendants are
18 government entities that are exempt from filing a certification of Interested Entities or Persons
19 pursuant to Civil L.R. 3-15.

20 20. Professional Conduct

21 All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for
22 the Northern District of California.

23 21. Other Matters

24 The parties are not aware of any other matters that should be raised before the Court at this time.
25 The parties anticipate that any further issues can be raised to the Court in the parties' proposed
26 joint status reports.
27
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1 Dated: August 18, 2022

Respectfully Submitted

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12 Dated: August 18, 2022

Respectfully Submitted

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19 **[PROPOSED] CASE MANAGEMENT ORDER**

20 The above JOINT CASE MANAGEMENT STATEMENT & [PROPOSED] ORDER is
21 approved as the Case Management Order for this case and all parties shall comply with its
22 provisions.

23 IT IS SO ORDERED.

24 Dated:

25 _____
26 LAUREL BEELER
27 UNITED STATES MAGISTRATE JUDGE