

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

AMERICAN OVERSIGHT,

Plaintiff,

v.

U.S. DEPARTMENT OF ENERGY,

Defendant.

Case No. 1:19-cv-3155-ABJ

JOINT STATUS REPORT AND PRODUCTION SCHEDULE

Plaintiff, American Oversight (“AO” or “Plaintiff”), and Defendant, the United States Department of Energy (“DOE” or “Defendant”), submit the following Joint Status Report and Production Schedule in accordance with this Court’s Order (ECF # 7).

This is a FOIA case. Plaintiff’s complaint seeks records responsive to eight separate FOIA requests. The parties have agreed to the schedule below.

1. On or before January 28, 2020, DOE will complete its Outlook searches (emails, attachment to emails, and calendar invites) and produce any non-exempt records¹ identified in those searches that are responsive to the following FOIA requests:

¹ DOE’s production may not include responsive documents in which other agencies have equities and which must be reviewed by those agencies prior to release.

- a. HQ-2019-01418-F (Perry Communications);²
- b. HQ-2020-00011-F (McCormick Communications); and
- c. HQ-2019-01238-F (Ukraine Delegation).

2. On or before February 4, 2020, DOE will complete its Outlook searches (emails, attachment to emails, and calendar invites) and produce any non-exempt records³ identified in those searches that are responsive to the following FOIA requests:

- a. HQ-2019-01236-F (Bleyzer Communications);
- b. HQ-2020-00053-F (Ukraine Communications); and
- c. HQ-2020-00012-F (Giuliani Communications).

3. On or before March 16, 2020, DOE will complete its search and produce any non-exempt records identified in those searches that are responsive to the first paragraph of request HQ-2020-00052-F (Ukraine Meetings).

4. The schedule above reflects some, but not all, of the FOIA requests at issue in this case and some, but not all, of the search mediums requested for certain of those requests. The parties agree to address those additional requests and search mediums in subsequent reports and propose to file such reports on the last business day of each month.

² Request HQ-2019-01418-F (Perry Communications) sought certain communications sent or received by Secretary Perry, “as well as by any aide or other assistant who accompanied Secretary Perry to Ukraine. . .” On or before January 28, 2020, DOE will produce any responsive, non-exempt emails sent or received by Secretary Perry and one aide or assistant, but will not produce any responsive, non-exempt emails sent or received by two additional aides or assistants. With respect to the two additional aides or assistants, DOE will provide an update on those searches in a future status report.

³ DOE’s production may not include responsive documents in which other agencies have equities and which must be reviewed by those agencies prior to release.

DATED: January 13, 2020

Respectfully submitted,

<p><u>/s/ Hart W. Wood</u> HART W. WOOD (D.C. Bar No. 1034361) SARA K. CREIGHTON (D.C. Bar No. 1002367) JOHN E. BIES (D.C. Bar No. 483730)</p> <p>AMERICAN OVERSIGHT 1030 15th Street NW, B255 Washington, DC 20005 (202) 873-1743 Hart.wood@americanoversight.org Sara.creighton@americanoversight.org John.bies@americanoversight.org</p> <p>Counsel for Plaintiff</p>	<p>JOSEPH H. HUNT Assistant Attorney General</p> <p>MARCIA BERMAN Assistant Branch Director</p> <p><u>/s/ Hilarie E. Snyder</u> HILARIE E. SNYDER (D.C. Bar No. 464837) Trial Attorney U.S. Department of Justice Civil Division, Federal Programs Branch 1100 L Street, N.W., Room 12010 Washington, D.C. 20005 Tel: (202) 305-0747; Fax: (202) 616-8470 hilarie.e.snyder@usdoj.gov</p> <p>Counsel for the Defendant</p>
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