

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

CAUSE OF ACTION INSTITUTE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 18-1800 (APM)
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court’s Order, dated September 6, 2018, the parties file this Joint Status Report to apprise the Court of their progress in this Freedom of Information Act (“FOIA”) case. Plaintiff seeks records of work-related communications created or received on non-governmental email accounts by former FBI Director James Comey, former FBI Chief of Staff James Rybricki, and DOJ Director of Public Affairs Sarah Isgur Flores. Plaintiff submitted three requests to the Federal Bureau of Investigation (“FBI”), the DOJ Office of Information Policy (“OIP”), and the DOJ Office of the Inspector General (“OIG”).

OIG: The OIG responded by letter on August 31, 2018, stating that it had closed the request because any responsive records would have originated with the FBI, and that, whereas normally the request would be referred to the FBI, Plaintiff’s request to OIG had stated that Plaintiff was “not interested in [OIG] referring this request” because it was sending a “separate FOIA request directly to the FBI.” Plaintiff believes that OIP has an independent duty to search for responsive records in its possession, custody, or control notwithstanding the original origin of the records at issue. Counsel for the parties conferred about the OIG response on September 19, 2018, and those discussions are ongoing.

OIP: The OIP has completed its search and anticipates releasing all responsive records this week, after which the parties will confer as needed.

FBI: The FBI has completed its search and has located approximately 1,200 potentially responsive records, some of which may require consulting subject matter experts or referrals to other agencies. It anticipates a four-month processing timeline with the first release on October 31, 2018, and additional releases following on a monthly basis.

The parties propose to file Joint Status reports every 30 days, with the next one being due on October 20, 2018. At this time, the parties do not foresee the need for an *Open America* stay and believe it premature to propose a briefing schedule for summary judgment proceedings.

Respectfully submitted,

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