

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

NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.,

Plaintiff,

v.

WILLIAM P. BARR, in his official capacity
as Attorney General of the United States, *et*
al.,¹

Defendants.

Civil Action No. 20-1132 (JDB)

JOINT STATUS REPORT

The parties submit this joint status report pursuant to the Court's minute order dated September 15, 2021.

On February 24, 2021, after granting Plaintiff's motion for several of its claims that Defendants violated the Federal Advisory Committee Act in forming and operating the Presidential Commission on Law Enforcement and the Administration of Justice, the Court ordered Defendants to release documents that are subject to disclosure under FACA Section 10(b) related to the Commission and its working groups. *See* Order, ECF No. 67.

Defendants have made productions to Plaintiff thus far as required by the Court's order and are continuing to search for other information required to be disclosed. Defendants have also informed Plaintiff that they do not intend to withhold materials required to be disclosed under Section 10(b), consistent with the Court's order, on the basis of any legal privilege or Freedom of

¹ Attorney General Garland has been automatically substituted for former Attorney General Barr pursuant to Federal Rule of Civil Procedure 25(d).

Information Act exemption, except to redact limited personally identifying information (*e.g.*, personal email addresses, home addresses) that may appear in the produced documents.

The parties met and conferred on September 1, 2020 about outstanding issues in the case. Plaintiff requested information from Defendants regarding the universe of materials covered by Section 10(b) that Defendants have yet to produce, as well as a potential timeline for such production. Plaintiff reiterated its request in writing on September 9, 2021, and October 4, 2021. Defendants are continuing to search for additional materials that are potentially covered by Section 10(b) and expect to have additional detail regarding those materials before the next joint status report proposed by the parties. On October 4, 2021, Plaintiff sent Defendants a demand for attorneys' fees and costs under the Equal Access to Justice Act. Defendants are reviewing those materials and believe that negotiations regarding potential resolution of fees may be fruitful.

Accordingly, the parties respectfully request leave to submit another joint status report within 30 days—on or before November 11, 2021—to provide an update as to the status of Defendants' productions and whether the parties anticipate any further motions practice.

Dated: October 11, 2021

Respectfully submitted,

/s/ Natasha C. Merle

Samuel Spital, Bar No. SS4839

Natasha C. Merle*

Ashok Chandran*

Steven Lance*

**NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.**

40 Rector St., 5th Floor

New York, NY 10006

Tel.: (212) 965-2200

Fax.: (212) 226-7592

sspital@naacpldf.org

nmerle@naacpldf.org

achandran@naacpldf.org

slance@naacpldf.org

Counsel for Plaintiff

*admitted *pro hac vice*

BRIAN M. BOYNTON

Acting Assistant Attorney General

ELIZABETH J. SHAPIRO

Deputy Branch Director

/s/ Bradley P. Humphreys

BRADLEY P. HUMPHREYS

Trial Attorney, U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, N.W.

Washington, D.C. 20005

Tel.: (202) 305-0878

E-mail: Bradley.Humphreys@usdoj.gov

Counsel for Defendants