

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOIS MOORE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 20cv1027 (RCL)
)	
UNITED STATES CENTRAL)	
INTELLIGENCE AGENCY)	
)	
Defendant.)	
_____)	

STATUS REPORT

Pursuant to this Court’s Minute Order dated January 28, 2021, Defendant Central Intelligence Agency (“Defendant” or “CIA”), through undersigned counsel and with consultation with counsel for Plaintiffs, respectfully provide the following Status Report to the Court:

1. On April 28, 2020, Plaintiffs Lois Moore, Robert Moore, Jana Orear, Christianne O’Malley, and Mark Sauter (“Plaintiffs”) commenced this litigation against the CIA alleging that the CIA failed to respond to their FOIA request for information regarding American POWs of the Korean War being transported to China and the Soviet Union for imprisonment and interrogation. ECF No. 1 (Complaint).
2. On June 3, 2020, CIA filed an Answer to the Complaint. ECF No. 6 (Answer).
3. Pursuant to the agreement of the Parties that Defendant prioritize 11 items identified by Plaintiffs from their FOIA request, Defendant previously reported that it had processed and provided documents with exemptions asserted with each redaction on October 7, 2020, October 23, 2020, and January 8, 2021.

4. The Defendant's FOIA Office has completed what it believes to be the bulk of the search for the responsive documents, but reports that some search matters remain outstanding. Specifically, the team encountered some complications due to the age of the documents sought that requires additional hand review of documents (as opposed to electronic review). The FOIA team will need to search for and collect hard-copy documents from the agency's archives, and then conduct a document-by-document review – steps that add to the time required for searching.

5. As Defendant has previously informed Court, Defendant is prioritizing mission-critical activities, and Defendant's FOIA staffing and processing capabilities have been reduced due to the COVID pandemic and the workplace precautions required to secure Agency workspaces. Unfortunately, the pandemic-related staffing issues has slowed the team's hand-search and document-by-document review of the archived, hard-copy records. Given the current limited availability of key search personnel and requisite subject matter experts and the inability of CIA's personnel to work remotely, CIA is requiring additional time in which to process Plaintiffs' requests. The Defendant currently anticipates that the search will be complete by March 26, 2021.

6. Nevertheless, the Defendant believes that the FOIA office can continue its search for archived records and can begin processing records already located for an initial production on or before April 30, 2021.

7. Plaintiff has requested that the Defendant prioritize its processing of records to focus on documents regarding Harry Moore first. To the extent such records are located and identified as responsive, Defendant will make every effort to accommodate this request.

8. The parties cannot determine whether summary judgment briefing will be necessary until the CIA has completed its review/production of responsive, non-exempt records and the parties have had an opportunity to confer regarding the production and any withholdings.

9. The Defendant proposes to file a further Status Report on or before May 5, 2021.

Dated: March 5, 2021

Respectfully submitted,

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Acting United States Attorney

BRIAN HUDAK
Acting Chief, Civil Division

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