

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EUGENE B. McDANIEL, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 20-1735 (RCL)
NATIONAL ARCHIVES AND)	
RECORDS ADMINISTRATION,)	
)	
Defendant.)	
_____)	

JOINT STATUS REPORT

Plaintiffs Eugene McDaniel, Carol Hrdlicka, Robert Moore, Jana Orear, Christianne O’Malley, Mark Sauter, John Zimmerlee, and the POW Investigative Project, Inc., and Defendant the National Archives and Records Administration (“NARA”), hereby provide the Court with the following Joint Status Report pursuant to the Court’s Minute Order dated December 8, 2021. The former lead Plaintiff, Lois Moore, unfortunately passed away on July 24, 2021.

Plaintiffs filed an amended complaint on September 1, 2021, adding a second FOIA request submitted to NARA on May 21, 2021 and adding two additional FOIA requesters as Plaintiffs. Defendant answered the amended complaint on September 15, 2021.

Part of the records responsive to Plaintiff’s first request involve records containing national security or other sensitive information (requests 28-48) which required consultation with the equity holding agencies. NARA is still waiting to receive a response from the consulted agencies. Searches for portions of Plaintiff’s second request are ongoing. A portion of the second request deals with archival records. Plaintiff has received an interim response with respect to those portions of the request, but a completion of the search cannot be completed until staff has increased access to the College Park facility, which has been restricted due to the COVID-19 pandemic.

NARA has also completed preliminary searches, to the extent possible, with respect to the remaining portions of the second request which seek operational records. The parties continue to cooperate and discuss resolution and narrowing of the issues with regard to portions of the FOIA requests at issue without the need for Court intervention.

Given the Plaintiffs' recent request and the filing of the amended complaint, the parties propose to continue their discussions and the processing of the FOIA request.

Based on the foregoing, the parties do not at this time see the need for court intervention or the setting of a briefing schedule for dispositive motions. The parties respectfully request that they file a status report on or before March 18, 2022, to update the Court on the status of the FOIA requests.

Dated: January 14, 2022

Respectfully submitted,

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