

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MICHAEL DRIGGS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:23-cv-1124 (DJN)
)	
CENTRAL INTELLIGENCE AGENCY)	
)	
Defendant.)	
_____)	

JOINT NOTICE IN RESPONSE TO THE COURT’S MARCH 13, 2024 ORDER

The parties, through their respective counsel, respectfully submit this joint pleading in response to the Court’s Order dated Mach 13, 2024 (Dkt. No. 18). Consistent with that Order, the parties provide the Court with the agreed upon production schedule that “will bring document production in this case to a close by Thanksgiving of this year, or as near that date as possible.” Dkt. No. 18 at 2. The parties also provide the Court with “the status of this case.” Dkt. No. 18 at 2.

I. Production Schedule

The parties have agreed upon a production schedule, which as a general matter, enables the Central Intelligence Agency (“CIA”) to make rolling productions every sixty days until all potentially responsive records have been reviewed and fully processed. The parties agreed that productions would be made on May 28, 2024; July 28, 2024; September 28, 2024; and November 28, 2024.

II. General Status of the Litigation

Currently, the CIA continues to review potentially responsive records it collected as part of its search in response to Plaintiffs’ FOIA request. When applicable, the CIA has sent responsive

records to other government agencies for appropriate action, and the CIA awaits those other agencies' responses. As the above process unfolds, the CIA will release responsive records to Plaintiffs based on the production scheduled described above.

Separate from the CIA's ongoing processing efforts, the parties have fully briefed a threshold question that is ripe for the Court's review: Whether the CIA is obligated to conduct a search of its operational files for records that are responsive to Plaintiffs' FOIA request. *See generally* Dkt. Nos. 19, 21, 23. Because no search of the operational files has been conducted, the CIA is unable to provide the Court and Plaintiffs a good faith estimate as to how long the search and processing efforts would take. The volume of potentially responsive operational files could be quite small or quite large. If the latter, the CIA anticipates seeking further relief from the Court as to the production deadline for the potentially responsive records collected from the operational files as it would be unlikely that the CIA could make the Thanksgiving Day 2024 deadline. Of course, the CIA would meet and confer with Plaintiffs before seeking any such relief.

III. Potential Future Disputes After the CIA Completes its Release of Records Collected From its Search

Once the CIA has completed its review and production, the parties will meet and confer to see if Plaintiffs intend to challenge the adequacy of the CIA's search or any of the withholdings or redactions that CIA made. If the parties are at an impasse on any of these issues, they will jointly move for entry of a summary judgment briefing schedule.

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Dated: May 10, 2024

Respectfully Submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

_____/s/
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