

**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.	)	
	)	

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**SECOND JOINT STATUS REPORT**

The parties, through their respective counsel, hereby provide this joint status report in this case in response to the Court’s Order of May 23, 2024 (Dkt. No. 26). The Court ordered the parties “to regularly update the Court on the progress of this action towards summary judgment.” Dkt. No. 26. The parties provide the following update:

1. On May 10, 2024, the parties agreed to a production schedule that enabled the Central Intelligence Agency (“CIA”) to make rolling productions of records every sixty (60) days until all potentially responsive records have been reviewed and fully processed. The parties agreed that production would be made on or about May 28, 2024; July 28, 2024; September 28, 2024, and November 28, 2024. *See generally* Dkt. No. 24 at 1.
2. The CIA previously made an interim release of records on May 23, 2024, and the parties provided their first status report to the Court on June 14, 2024. *See generally* Dkt. No. 27.
3. Consistent with this agreed upon schedule, the CIA sent its interim release of records via FedEx on July 15, 2024. Per FedEx’s tracking system, the records were successfully delivered to Plaintiffs’ counsel on July 16, 2024. In that interim release, the CIA completed review

and processing of one additional document. The CIA released one record, comprising 41 pages, in segregable form with redactions made pursuant to the FOIA's exemptions.

4. The CIA continues to review and process the potentially responsive records as part of its search in response to Plaintiffs' FOIA request. The CIA also continues to coordinate with other government agencies who must review the potentially responsive records for their own equities. *See generally* 32 C.F.R. § 190.22(b). The CIA is on target for its next interim release deadline of September 28, 2024.

5. Because the CIA's review and processing of potentially responsive records is still ongoing, the parties cannot determine whether summary judgment briefing will be necessary. As the parties jointly represented on May 10, 2024, "[o]nce 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." Dkt. No. 24 at 2. Should Plaintiffs make any such challenge, the parties will move for entry of a summary judgment briefing schedule for the Court.

6. Pursuant to the Court's Order (Dkt. No. 26), the parties will submit their next joint status report on October 15, 2024, which is the next business day that falls after sixty days from the date of this filing.<sup>1</sup>

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<sup>1</sup> Originally calculated, the sixty-day mark falls on Saturday October 12, 2024, and Monday, October 14, 2024 is Columbus Day, a federal holiday. Thus, Tuesday, October 15, 2024 is the first business day after October 12.

Dated: August 13, 2024

Respectfully Submitted,

JESSICA D. ABER  
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