

**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.	)	
	)	

---

**THIRD 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 interim releases of records on March 1, 2024 and May 23, 2024, and the parties provided their first status report to the Court on June 14, 2024. *See generally* Dkt. No. 27. The CIA made its most recent interim release of records on July 16, 2024, and the parties provided their second status report to the Court on August 13, 2024. *See generally* Dkt. No. 28.

3. Consistent with this agreed upon schedule, the CIA sent its interim release of records via FedEx on September 26, 2024. Per FedEx's tracking system, the records were successfully delivered to Plaintiffs' counsel on September 30, 2024. In that interim release, the CIA completed review and processing of two additional documents. The CIA released the two documents, comprising 21 pages in total, 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. § 1900.22(b). The CIA is on target for its next and final release deadline of November 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 December 16, 2024, which is the next business day that falls after sixty days from the date of this filing.

//

//

Dated: October 15, 2024

Respectfully Submitted,

JESSICA D. ABER  
UNITED STATES ATTORNEY

\_\_\_\_\_/s/  
JOHN H. CLARKE (VSB No. 023842)  
1629 K Street, NW  
Suite 300  
Washington, DC 20006  
Tel: (202) 344-0776  
Email: john@johnhclarkelaw.com

*Counsel for Plaintiffs*

\_\_\_\_\_/s/  
DENNIS C. BARGHAAN, JR.  
Chief, Civil Division  
MATTHEW J. MEZGER  
Assistant U.S. Attorney  
Office of the U.S. Attorney  
2100 Jamieson Avenue  
Alexandria, Virginia, 22314  
Tel: (703) 299-3891/3741  
Fax: (703) 299-3983  
Email: Dennis.Barghaan@usdoj.gov  
Matthew.Mezger@usdoj.gov

*Counsel for Defendant*