

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order entered May 26, 2021, Plaintiffs Lois Moore, 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, hereby provide the Court with the following Joint Status Report.

The parties continue to cooperate and discuss resolution and narrowing of the issues with regard to portions of the FOIA request at issue without the need for Court intervention.¹ In addition, portions of the request involved records containing national security or other sensitive information (requests 28-48). Of these 21 documents being

¹ See May 21 *Joint Status Report*, ECF 18:
“By letter dated December 14, 2020, Plaintiffs' counsel submitted several questions concerning the search for responsive records, NARA responded in letters on September 16, September 30, November 3, November 5, 2020, and by counsel by March 22, 2021 email.” Based on these communications, Plaintiffs withdrew portions of the request, including those portions for which NARA notified them they had no responsive records (requests 18-27), and narrowed other portions of the FOIA request at issue. By May 20, 2021 correspondence, Plaintiffs apprised defendant that they were withdrawing FOIA Requests 2, 4, 8 (subparts 1- 4 and 6), 9-13, 15, and 17-27, and narrowed the balance of the requests to exclude records on American prisoners or missing personnel who were repatriated.

sought 16 required consultation with other equity holding agencies. NARA has not heard back from those agencies to date.

The parties continue to discuss the narrowing of issues to be litigated, and expect to have completed that task within 45 days.

In light of the above, the parties propose to continue their discussions and file a further status report on or before September 1, 2021, to update the Court on the progress being made and the status of the FOIA request.

Dated: July 21, 2021.

Respectfully submitted,

/s/ John H. Clarke
John H. Clarke
Bar No. 388599
1629 K Street, N.W.
Suite 300
Washington, D.C. 20006
(202) 344-0776
john@johnclarkelaw.com
Counsel for Plaintiffs

CHANNING D. PHILLIPS
D.C. BAR NO. 415793
Acting United States Attorney

BRIAN P. HUDAK
Acting Chief, Civil Division

By: /s/ Thomas W. Duffey
THOMAS W. DUFFEY
Assistant United States Attorney
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2510

Thomas.duffey@usdoj.gov
Counsel for Defendant