

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 MOTION TO RETURN CASE TO ACTIVE DOCKET

COME NOW Plaintiffs Eugene McDaniel, Carol Hrdlicka, Robert Moore, Jana Orear, Christianne O'Malley, Mark Sauter, John Zimmerlee, and the POW Investigative Project, Inc., together with Defendant the National Archives and Records Administration ("NARA"), and, in support of their request that this case be returned to the active docket of the Court, respectfully submit the following.

1. Beginning in January of 2021, and continuing through 2022, the parties have been submitting Joint Status Reports, either monthly or bimonthly, as instructed by the Court's various Minute Orders.
2. The Court's November 22, 2022, Minute Order directed that parties to file their next Joint Status Report in three months' time, by February 17, 2023.
3. On February 17, 2023, the parties submitted their Joint Status Report, ECF No. 32, which did "respectfully request that they file a status report on or before May 17, 2023." However, as the Court did not issue a Minute Order adopting the parties' suggestion, the parties did not record any due date for the next Joint Status Report. The parties apologize for not having kept the Court apprised of the status of the FOIA request.

4. Since that February 17, 2023 Joint Status Report, NARA has produced another 3,358 pages;¹ most recently 617 pages on September 1, 2023.

5. On August 24, 2023, ECF No. 33, the Court ordered that, based on the February 17 Joint Status Report, the case shall be "terminated from the active docket of this Court, subject to reopening upon motion if a final settlement is not effectuated."

6. As NARA's searches and productions are ongoing, the parties propose to continue their discussions and the processing of the FOIA request, and to apprise the Court by Joint Status Report on a bimonthly basis.

WHEREFORE, the parties to this action respectfully request that this matter be placed back onto the active docket of this Court.

Dated: September 25, 2023.

Respectfully submitted,

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¹ March 3, 2023 - 496 pages, March 31, 2023 - 746 pages, March 31, 2023 - NARA 746 pages, May 8, 2023 463 pages, June 1, 2023 - 576 pages, July 10, 2023 - 623 pages, August 24, 2023, 437 pages, September 1, 2023 - 617 pages.

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