

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 STATUS REPORT

Plaintiffs Eugene McDaniel, Carol Hrdlicka, 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 (“NARA”), hereby provide the Court with the following Joint Status Report pursuant to the Court’s Minute Order dated October 6, 2023.

Plaintiffs filed an amended complaint on September 1, 2021, adding a second FOIA request submitted to NARA on May 21, 2021 and adding two additional FOIA requesters as Plaintiffs. Defendant answered the amended complaint on September 15, 2021.

Part of the records responsive to Plaintiff’s first request involve records containing national security or other sensitive information (requests 28-48) which required consultation with the equity holding agencies. NARA completed processing 15 of the 16 documents that were sent out for consultation and made these records available to the plaintiff, with portions withheld under applicable FOIA exemptions. NARA is still waiting to receive a response with respect to the remaining document that is out on consultation. Searches for portions of Plaintiff’s second request are ongoing. Two portions of the second request deal with archival records.

Plaintiff has received final responses with respect to those portions of the request.

NARA has also completed preliminary searches, to the extent possible, with respect to the remaining portions of the second request which seek operational records. NARA previously provided 4,765 pages and 3 spreadsheets in full and 7 pages in part in response to this request. Since the last status report dated February 17, 2023 (ECF No. 32), NARA has provided additional releases, totaling 3,900 pages in full. In total, NARA has provided 8,665 pages and 3 spreadsheets in full and 7 pages in part in response to the request for operational records. NARA is still awaiting a return of a consultation from the Navy.

The parties continue to cooperate and discuss resolution and narrowing of the issues with regard to portions of the FOIA requests at issue without the need for Court intervention. The parties propose to continue their discussions and the processing of the FOIA request.

Based on the foregoing, the parties do not at this time see the need for court intervention or the setting of a briefing schedule for dispositive motions. Pursuant to the October 6, 2023, order of the Court, the parties will file their next joint status report on or before December 1, 2023, to update the Court on the status of the FOIA requests.

Dated: November 1, 2023

Respectfully submitted,

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