IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)	
ELECTRONIC PRIVACY)	
INFORMATION CENTER)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:09cv2084 (RMU)
)	Civil Action No. 1:10cv63 (CKK)
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY)	
)	
Defendant.)	
)	

JOINT NOTICE OF RELATED CASE

Plaintiff the Electronic Privacy Information Center ("EPIC") and Defendant U.S. Dep't. of Homeland Security (the "DHS") hereby jointly notify the Court, pursuant to Local Civ. R. 40.5(b)(3), that the two above-captioned matters, *EPIC v. Dep't. of Homeland Security*, No. 1:09cv2084 (RMU) (filed Nov. 5, 2009) ("*EPIC v. DHS I*") and *EPIC v. Dep't. of Homeland Security*, No. 1:09cv63 (CKK) (filed Jan. 13, 2010) ("*EPIC v. DHS II*"), are related cases. The parties have also filed a motion to consolidate these cases, attached as Exhibit 1.

EPIC v. DHS I arises from EPIC's April 14, 2009 FOIA request seeking three categories of documents related to the DHS's use of "whole body imaging" technology. EPIC v. DHS II arises from EPIC's July 2, 2009 FOIA request seeking six categories of documents related to the DHS's use of "whole body imaging" technology.

The cases are related as they "relate to common property" and "involve common issues of fact." Local Civ. R. 40.5(a)(3)(i-ii). Although EPIC's FOIA requests were submitted on different dates, the parties have determined that some of the requested categories overlap, and that DHS possesses some agency records that are responsive to both EPIC's April 14, 2009

request and EPIC's July 2, 2009 request. For example, both requests seek contracts and technical specifications relating to "whole body imaging" machines. Therefore, the DHS is processing EPIC's FOIA requests contemporaneously, employing one search process to identify documents responsive to both of EPIC's FOIA requests.

Pursuant to Local Civ. R. 40.5(b)(3), this Notice has been filed in both *EPIC v. DHS I* and *EPIC v. DHS II*. The parties have also filed a joint motion to consolidate *EPIC v. DHS I* and *EPIC v. DHS II*; pursuant to Local Civ. R. 40.5(d), that motion has been filed in *EPIC v. DHS I* only. It requests that the consolidated matter proceed before Judge Urbina, and that it be governed by the Court's February 24, 2010 scheduling order. A copy of the filed motion to consolidate is attached as Exhibit 1.

Dated: March 11, 2010

/s/ John Verdi

John Verdi, Esquire (DC Bar # 495764) Marc Rotenberg, Esquire (DC Bar #

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ELECTRONIC PRIVACY

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Respectfully submitted,

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