

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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<b>CHRISTOPHER SOGHOIAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 11-1080 (ABJ)</b>
	)	
<b>v.</b>	)	<b>ECF</b>
	)	
<b>DEPARTMENT OF JUSTICE,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**DEFENDANT’S CONSENT STATUS REPORT**

Defendant, United States Department of Justice, by and through its undersigned counsel, respectfully files this report pursuant to the Court’s Minute Order dated September 13, 2011 in this case, which arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended. The Court’s September 13, 2011 Minute Order requires the parties “to notify the Court if the Vaughn declarations have been completed and proposing a schedule for the briefing of dispositive motions.” The parties have conferred and agree to the briefing schedule proposed herein.

Defendant advises that it anticipates submitting two Vaughn declarations in support of its motion for summary judgment – one by the Department of Justice Criminal Division (“DOJ CRM”) and one by the Executive Office for United States Attorneys (“EOUSA”) for responsive documents referred by DOJ CRM. Although agency counsel have not completed the drafting of the required Vaughn declarations, DOJ CRM counsel has reviewed the initial withholdings and determined that a few of the pages, previously withheld, should be released to plaintiff. Counsel has also informed plaintiff that some of the material he is seeking is publicly accessible on the internet. Indeed, it appears that a substantial amount of the approximately 600 pages of responsive material is publicly accessible. The parties have also discussed a proposed deadline for the agency to complete its

Vaughn declarations — and decide whether or not to make additional disclosures – and plaintiff requested that this be completed within two weeks. Defendant requested 45 days, but advised that it would need at least 30 days to complete the declarations.

The parties also discussed a proposed briefing schedule. Defendant agrees to the following schedule proposed by plaintiff, but shorter than defendant’s proposal:

Defendant’s motion for summary judgment due by Tuesday, December 20, 2011.<sup>1</sup>

Plaintiff’s opposition due by Friday, February 17, 2012.

Defendant’s opposition due by Friday, March 9, 2012.

WHEREFORE, Defendant respectfully requests that the Court order an appropriate schedule.

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<sup>1</sup> Undersigned counsel advised plaintiff that, although defendant agrees to his proposed briefing schedule and will make every effort to meet the deadlines, defendant may require an extension of the deadline to file the opening brief. Defendant proposed the following deadlines: Defendant’s motion for summary judgment due by January 20, 2012, Plaintiff’s opposition by February 21, 2012, and Defendant’s reply by March 13, 2012. Defendant advised plaintiff that the additional time was required to allow sufficient time to complete the Vaughn declarations and further review of the initial withholdings for possible additional disclosures, as well as the time required by counsel to prepare for the December 5, 2011 trial in *Barbara Stern Gold v. Gary Gensler, Chairman, Commodity Futures Trading Commission*, Civil Action No. 09-2125 (RLW). The trial date was set several months prior to the filing of this lawsuit. Undersigned counsel will also be out on committed use-or-lose annual leave during the last two weeks in December 2011.

