

U.S. Department of Justice



*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007
January 17, 2023

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Pro Publica, Inc. v. U.S. Dept. of Health & Human Servs.*, 20 Civ. 4092 (LGS)

Dear Judge Schofield:

I write respectfully on behalf of both parties in the above-referenced FOIA matter to request that the Court extend its August 24, 2022, Order (Dkt. No. 50) staying its September 11, 2020, Order regarding document processing, for a period of thirty days, from January 17, 2023, to February 16, 2023, to permit the parties to continue to explore settlement.

On September 11, 2020, the Court ordered defendant the United States Department of Health & Human Services (“HHS”) to “process and produce responsive non-exempt documents at a rate of at least 1,000 pages per month.” Dkt. No. 24. Accordingly, HHS has been processing and producing such documents each month and has completed twenty-four productions. Thereafter, the parties began conferring about ways to potentially resolve this matter without further Court intervention, and on August 24, 2022, the Court granted the parties’ joint application to stay production. (Dkt. No. 50.) The parties have been diligently pursuing settlement discussions since that date. In order to permit the parties time to continue to explore and finalize potential settlement parameters, and to conserve party and Court resources, the parties respectfully request that the Court’s August 24, 2022, Order be extended for a period of thirty days, to February 16, 2023, on which date the parties will provide a status update.

We thank the Court for its consideration of this request.

Application GRANTED. Production shall remain STAYED, and HHS will resume production at the prior pace of at least 1,000 pages per month in March 2023. The parties shall file a joint status letter on January 26, 2023, and every Thursday thereafter until otherwise directed. No further extensions will be granted absent compelling circumstances.

Dated: January 18, 2023
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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