

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

_____)	
JEFFREY SCUDDER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 12-807 (BAH)
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	
)	
_____)	

JOINT STATUS REPORT

On March 12, 2014, the Court denied the parties’ motions for summary judgment on the production of electronic records and motions for partial summary judgment on the cost of electronic records. ECF No. 43. The Court also granted Plaintiff’s motion, in the alternative, for discovery and directed the parties to “meet and confer and by March 31, 2014 [and] submit to the Court a joint status report outlining the results of the parties’ meeting for resolving the outstanding issues of material fact, including (1) a plan for discovery necessary to resolve the disputed issues of material fact; (2) a statement of the parties’ views on whether an evidentiary hearing in this matter should be scheduled; and (3) a proposed schedule to control such discovery and/or hearing and renewed dispositive motion briefing.” *Id.* Defendant subsequently moved for an extension of time, until April 7, 2014, to file the parties’ Joint Status Report, ECF No. 46, and the Court granted the motion.

The parties have met and conferred and settled on a creative solution to the production of electronic records issue that will render the issue moot in this case and make discovery unnecessary. Defendant has agreed to provide the 419 records that Plaintiff has requested in an electronic format by putting PDF copies of the requested records on its website. As Defendant explained in its declaration, the CIA's Automated Declassification and Review Environment, which serves as Defendant's database for processing information access requests, contains a feature for exporting records onto the Agency's website. ECF No. 14-3 at n.7. Because Defendant is not required to print records before putting them on its website, Defendant has also agreed to refund Plaintiff the \$440 he paid in reproduction costs. Defendant will not charge Plaintiff any fees for the processing of his request.¹

As Defendant is still processing the records that Plaintiff has requested, the parties propose to file a Joint Status Report with the Court in thirty days, by May 7, 2014, updating the Court on the progress of Defendants' document production. The parties will also inform the Court whether they have determined if additional briefing will be needed regarding Defendant's withholdings and, if additional briefing is needed, will propose a reasonable briefing schedule.

¹ If Plaintiff or his counsel determine, during the course of this litigation, that they need the requested records on a CD, Defense counsel has agreed to download the records from Defendant's website and provide a free copy to Plaintiff's counsel on CD.

Dated: April 7, 2014

Respectfully submitted,

/s/Mark S. Zaid

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