

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

)	
GRANT F. SMITH, ProSe)	
)	
Plaintiff,)	
vs.)	Civil Action No. 17-1796 (TSC)
)	
UNITED STATES)	
DEPARTMENT OF TREASURY)	
)	
UNITED STATES OFFICE OF)	
PERSONNEL MANAGEMENT)	
)	
Defendants.)	
)	

**THE PARTIES’ JOINT STATUS REPORT
AND MOTION TO STAY PROCEEDINGS**

Defendant, the Department of Justice (“DOJ”), the United States Office of Personnel Management (“OPM”), by and through their undersigned counsel, and Plaintiff Grant F. Smith (“Plaintiff”), pursuant to the Court’s November 21, 2017, Order, propose a schedule on which this case should proceed. The parties conferred several times in November and December 2017, and discussed the following issues consistent with the Court’s Order. The parties respectfully report as follows:

1. Status of FOIA Request and Number of Documents

As an initial matter, counsel believes the agency with potentially responsive records appears to be the Treasury, and not OPM. Based on his FOIA administrative process, Plaintiff believes OPM does have potentially responsive records. Due to the holiday season, Treasury agency counsel is having difficulty determining exactly which Treasury sub-components are the most likely components with potentially responsive material. Treasury agency counsel is also

attempting to determine if there will be withholding based upon any employee information being statutorily excluded from disclosure, and whether an employee lists from 2012 (the date of the original FOIA) exists. If 2012 data for all Treasury components do not exist, then Treasury will produce current (2017-2018) data and not “mix and match” data from different years.

2. Production

The parties have reached agreement on a rolling production method where Defendant will produce documents every thirty (30) days, starting on January 26, 2018, and continue every month until complete. Treasury would start with the Office of Terrorism and Financial Intelligence, and Office of Financial Asset Control before moving on to the easier bureaus, such as the Headquarters, in recognition that those are of highest interest to the Plaintiff, who insists they are not statutorily excluded from release. We will then move to the more complex bureaus, which would allow the bureaus time to review their individual lists of employee data.

3. Stay of Proceedings

Based on the processing and production schedule, the parties hereby request a stay of proceedings in this case until April 30, 2018. The Plaintiff insists, having nearly completed another FOIA administrative process with another major federal agency on the same subject matter, that this is a reasonable time period.

4. Dispositive Motions

The parties respectfully request this Court allow the parties to defer any decision on whether the parties will require a dispositive motion briefing schedule until after all documents have been produced, and Plaintiff has had an opportunity to review the production and raise any concerns with the Treasury. At that time, the parties will be able to inform this Court if a briefing schedule for dispositive motions is necessary, or a stipulation of dismissal will be filed.

Based on the above production schedule and the required subsequent time for review and discussion, the parties propose to advise this Court of the state of the production in a Joint Status Report to be filed no later than May 31, 2018. Treasury is also amenable to filing a monthly report to the Court, which advises the Court of the production for the previous month.

5. Court Cost Reimbursement

Having determined that releaseable records do exist which should have been produced at the administrative level, Defendants agree to negotiate reimbursement to Plaintiff of his court filing fee (\$400), travel to the court for complaint filing (\$20) and photocopying expenses (\$15). As a pro se filer, Plaintiff is not eligible for attorney fees.

Dated: December 19, 2017

Respectfully submitted,

_____/s/_____
Grant F. Smith
Prose Plaintiff

JESSIE K. LIU
UNITED STATES ATTORNEY
D.C. BAR NUMBER 472845

DANIEL F. VAN HORN
D.C. Bar No. 924092
Chief, Civil Division

_____/s/_____
RHONDA L. CAMPBELL,
D.C. Bar No. 462402
Assistant United States Attorney
Civil Division
555 4th Street, NW
Washington, D.C. 20530
(202) 252-2559
Rhonda.campbell@usdoj.gov

Counsel for United States

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**[PROPOSED] ORDER ON JOINT STATUS REPORT
AND MOTION TO STAY PROCEEDINGS**

AND NOW, this _____ day of _____, 2017, upon consideration of the parties' Joint Status Report and Motion to Stay Proceedings, it is hereby ORDERED that Defendant shall complete its release of all documents responsive to Plaintiff's request according to their processing and production schedule and that proceedings be stayed in this case until April 30, 2018.

It is further ORDERED that the parties will file a Joint Status Report no later than May 31, 2018, advising the Court of the status of the production.

IT IS SO ORDERED.

United States District Judge