

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

GRANT F. SMITH.,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Case No.: 1:15-cv-01431 (TSC)

DEFENDANT'S STATUS REPORT

On March 30, 2017, the Court denied Defendant's Motion for Summary Judgment. ECF No. 16. On April 4, 2017, the Court issued a minute order requiring the parties to submit a jointly proposed schedule for moving forward with this action. The parties have been unable to agree on a proposed schedule, and Defendant hereby submits the following statement:¹

Defendant has filed a motion requesting that this Court respectfully reconsider its Order denying Defendant's Motion for Summary Judgment. ECF No. 18. Because this motion could resolve the entire action, Defendant believes it is premature to set any schedule governing further proceedings until that motion is addressed.

Defendant also believes that the status conference scheduled for April 27, 2017, at 10:30 am should be continued to a time after the Court rules on the pending motion for reconsideration.

¹ Defendant files this document as a separate status report because Plaintiff filed a separate response on April 24, ECF No. 19. After realizing Plaintiff and Defendant could not agree on a joint proposed schedule, on April 21, 2017, counsel for the Defendant sent *pro se* Plaintiff a draft joint status report with a "Plaintiff's Position" and "Defendant's Position" style. Counsel for the Defendant did not receive a response before Plaintiff filed his separate response. For this reason, Defendant is filing a separate response.

In the alternative, Defendant respectfully requests that the status conference be rescheduled due to counsel's unavailability on April 27. Prior to this Court's order setting the status conference, undersigned counsel for Defendant was ordered to attend an in-person settlement conference before Magistrate Judge Johnston in Billings, Montana, on April 27, 2017, at 9:00 am MT.

Northern Arapaho Tribe v. LaCounte, No. 16-cv-11-BMM (D. Mont.), ECF No. 154 (Mar. 30, 2017). Undersigned counsel will be traveling to and from the conference on Wednesday, April 26, and Friday, April 28. Undersigned counsel will also be arguing a motion to dismiss before Judge Mehta of this District on May 2, 2017, at 10:00 am. *Gerber Products Co. v. Vilsack*, No. 16-cv-1696-APM (D.D.C.) (Minute Order Feb. 17, 2017).

Accordingly, Defendant respectfully requests that any status conference, should the Court desire to hold one before it rules on Defendant's motion for reconsideration, be rescheduled to a date after May 2, 2017. Undersigned counsel contacted the *pro se* plaintiff, who does not consent to continuing the status conference until the Court rules on the motion for reconsideration, or even to postponing the date of the status conference due to counsel's unavailability.

Dated: April 24, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General,
Civil Division

CHANNING D. PHILLIPS
United States Attorney

MARCIA BERMAN
Assistant Director,
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By: /s/ Joseph E. Borson
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Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 24, 2017, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing to the parties.

/s/ Joseph E. Borson
JOSEPH E. BORSON