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

AMERICAN CIVIL LIBERTIES UNION, et al.,	) )
Plaintiffs,	) )
v.	) Civil Action No. 1:23-cv-00644 (JMC)
DEPARTMENT OF DEFENSE, et al.,	) )
Defendants.	) ) )

#### **JOINT STATUS REPORT**

Pursuant to the Court's May 16, 2023 Scheduling Order, ECF No. 15, Plaintiffs American Civil Liberties Union, *et al.* and Defendants Department of Defense, *et al.* (collectively, "the parties") respectfully submit the instant joint status report.

- 1. Plaintiffs' Freedom of Information Act ("FOIA") request seeks, *inter alia*, "the Biden administration's rules governing the government's use of lethal force abroad, known as the 'Presidential Policy Memorandum'" and "[a]ny memoranda since January 1, 2016 concerning the president's 'authorities to use force' under domestic and international law, including in particular the asserted authority to use force in 'collective self-defense.'" Compl., ECF No. 1, ¶ 33. This FOIA request thus seeks presidential memoranda implicating equities of numerous departments and agencies, as well as the National Security Council ("NSC"). Following consultations with other agencies and the NSC, Defendants are prepared to disclose a redacted version of the Presidential Policy Memorandum ("PPM").
- 2. An interagency consultation process was undertaken to determine what information will need to be redacted from the PPM based upon one or more FOIA exemptions, and that process

is nearly complete. In the parties' May 11, 2023 submission, the Government reported to the Court that it anticipated completing the interagency consultation process by June 13, 2022. However, the Government was unable to do so because the redacted PPM is currently undergoing final review by classification authorities; the Government now anticipates producing the redacted PPM by June 30, 2023.

- 3. With regard to the remaining aspects of Plaintiffs' FOIA request, the defendant agencies have commenced their respective searches for potentially responsive documents. Plaintiffs' FOIA request spans three presidential administrations and involves classified information. Although Defendants have made substantial progress, the Government requires additional time to complete their initial searches for potentially responsive materials.
- 4. After Defendants complete their initial searches, the parties have agreed to meet and confer about potential ways to narrow Plaintiffs' FOIA request, if necessary, in an effort to provide responsive, non-exempt materials to Plaintiffs as expeditiously as possible.

Even though the Court instructed the parties to file joint status reports every 90 days, the parties respectfully propose that they file another joint status report by August 10, 2023.

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Dated: June 20, 2023

## /s/ Brett Max Kauffman

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Respectfully submitted,

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