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NRDC

The Initial Pretrial Conference scheduled for Friday, June 29 is hereby adjourned *sine die*. The parties shall file a joint status report by no later than July 13, 2018. SO ORDERED.

June 22, 2018

SO ORDERED: 6/26/18

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

By ECF
The Honorable Alison J. Nathan
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Natural Resources Defense Council, Inc. v. United States Department of Commerce*, 18-cv-583

Dear Judge Nathan:

The parties submit this joint letter to provide the information requested in the Court's order of January 29, 2018, ECF No. 6. The Initial Pretrial Conference for the above-captioned case is scheduled for Friday, June 29.

1. This is a Freedom of Information Act (FOIA) case brought by NRDC to compel Commerce to provide documents responsive to NRDC's FOIA request. NRDC made its FOIA request on July 26, 2017, and had received responses from only one of Commerce's components by January 23, 2018, when NRDC filed the instant case. NRDC alleges that under FOIA the documents were due in September 2017. Commerce has alleged that exceptional circumstances exist which delayed its response to NRDC's request.

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B). Venue is proper in the Southern District of New York because NRDC resides and has its principal place of business here. 5 U.S.C. § 552(a)(4)(B).

3. There are no outstanding motions or requests to file motions at this time.

4. Because this is a FOIA case, no discovery has taken place and the parties do not anticipate discovery unless circumstances change.

5. The parties have conferred numerous times since this case was filed in an attempt to resolve NRDC's claims without motion practice. The parties' discussions include regular email exchanges, as well as phone calls on the

following dates (with approximate durations): 3/8/18 (12 minutes), 3/14/18 (5 minutes), 3/16/18 (5 minutes), 3/23/18 (4 minutes), 3/28/18 (8 minutes), 3/29/18 (5 minutes), 6/7/18 (11 minutes), and 6/21/18 (7 minutes).

6. Because this is a FOIA case, the parties do not anticipate a trial.

7. Since this case was filed, Commerce has provided NRDC with additional responsive documents from other components of the agency and has now produced all non-exempt portions of documents responsive to NRDC's request discovered through its search. NRDC does not anticipate pursuing further in this lawsuit any issues relating to the productions and withholdings.

As a result, the only issues left to be decided in this case are Plaintiffs' entitlement to attorneys' fees and the amount of such fees. The parties plan to engage in settlement discussions regarding the issue of attorneys' fees. If such negotiations are unsuccessful, the parties will propose to the Court a briefing schedule to resolve this issue. The parties therefore propose to file another joint status report by no later than July 13, 2018, updating the Court on the status of the discussions or proposing a schedule for further proceedings.

Sincerely,

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District of New York

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