

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

EQUITY FORWARD,	)	
	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 18-cv-241 (RBW)
	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
<i>Defendant.</i>	)	
	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s minute order of April 5, 2018, the parties, by and through their undersigned counsel, respectfully submit the following:

1. Plaintiff Equity Forward initiated the instant action on February 1, 2018, against Defendant U.S. Department of Health and Human Services (HHS) under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of the FOIA. Compl., ECF No. 1.
2. On April 2, 2018, counsel for HHS provided counsel for Equity Forward with a preliminary description of its search and proposed production schedule.
3. HHS has represented that the searches for all of the custodians have been completed. One series of searches was conducted by the Administration for Children and Families (ACF) and the other was conducted by the Office of the Secretary (OS).
4. ACF conducted a search for nine of the eleven custodians—the eight custodians who work in ACF and one of the OS custodians.

5. ACF's search for all twenty-four search terms in the emails of the nine custodians yielded approximately 9,500 potentially responsive files. Five of the twenty-four requested search terms accounted for approximately 4,900 of the potentially responsive files ("First ACF Search Set"). Equity Forward has requested additional information regarding the First ACF Search Set and is awaiting a response from the agency.

6. The other nineteen search terms accounted for 4,638 potentially responsive files, totaling 166,809 pages ("Second ACF Search Set"). Equity Forward informed HHS that the average length of a file in the Second ACF Search Set is thirty-six pages, which is particularly large for email communications. ACF provided more information by custodian, and the average length of a file ranged from four pages per file to 136 pages per file. At Equity Forward's request, ACF is looking into the source of the extraordinary average file length and has committed to engaging with Equity Forward to facilitate review.

7. ACF proposed to process at least 500 pages and make a production by May 2, 2018, and then to process at least 1,000 pages every sixty days thereafter.

8. Equity Forward notes that HHS's proposed schedule would mean that the production of the initial 166,809 pages in just the Second ACF Search Set would extend into 2046.

9. Equity Forward has not yet agreed to a production schedule with the agency but is instead seeking more information from the agency and is trying to narrow the universe of potentially responsive records in the first instance. For example, the parties are exploring options to eliminate two types of emails containing news clips to reduce the number of files the agency must review.

10. ACF is working on getting answers to Equity Forward's questions regarding the source of the very large average page counts and on other issues that may help focus the scope of the request.

11. OS conducted a search for the two remaining OS custodians. Although HHS has represented that the search has been completed, HHS has not provided additional information regarding the search nor informed Equity Forward when the agency will be able to provide information about the search.

12. Parties respectfully request that the Court order (1) that the parties meet and confer by no later than April 30, 2018, to discuss the results of the OS search and any information ACF has provided regarding the source of the large file sizes and other issues that may help focus the scope of the request, and (2) that the parties file a further joint status report by no later than May 10, 2018.

Dated: April 12, 2018

/s/ Cerissa Cafasso  
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Respectfully submitted,

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