

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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| NATIONAL PRESS CLUB JOURNALISM |             | ) |
| INSTITUTE, et al.              |             | ) |
|                                |             | ) |
|                                | Plaintiffs, | ) |
|                                |             | ) |
| v.                             |             | ) |
|                                |             | ) |
| U.S. IMMIGRATION AND CUSTOM    |             | ) |
| ENFORCEMENT, et al.            |             | ) |
|                                |             | ) |
|                                | Defendants. | ) |
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Case No. 18-cv-2932 (RC)

**JOINT STATUS REPORT**

Pursuant to this Court’s Order dated January 11, 2024, Plaintiffs National Press Club Journalism Institute (“NPCJI”) and Kathy Kiely (“Kiely”) (collectively, “Plaintiffs”), and Defendants U.S. Immigration and Customs Enforcement (“ICE”) and United States Department of Homeland Security (“DHS”) (collectively, “Defendants”), submit this joint status report.

1. This case concerns Plaintiffs’ request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking records concerning Emilio Gutiérrez-Soto, a Mexican journalist, and his son, Oscar, as well as mechanisms used to block or limit calls from detainees at ICE facilities in El Paso, Texas.

2. On December 28, 2023, the Court issued a Memorandum Opinion and Order on the parties’ cross-motions for summary judgment. ECF Nos. 61, 62. The Court granted in part in denied in part Defendants’ motion for summary judgment and granted in part and denied in part Plaintiffs’ cross-motion for partial summary judgment. *Id.* The Court ordered ICE to

“conduct a search reasonably calculated to uncover all relevant documents regarding Plaintiff’s remaining FOIA request[,]” and to “either supplement its declarations and *Vaughn* index to justify its Exemption 5, 6, and 7(C) withholdings or release the documents.” Order, ECF No. 61. Finally, the Court further ordered the parties to submit a proposed schedule for further proceedings.

3. On January 11, 2024, the parties submitted a joint status report reflecting that they were conferring about how to best proceed with the case and requesting an extra week to confer. The Court granted to parties’ request and ordered the parties to file a joint status report by no later than January 19, 2024.

4. The parties have agreed to the following terms about how to proceed with this FOIA case:

- a. On March 18, 2024, there is a hearing scheduled in the immigration cases for Emilio Gutiérrez-Soto and his son Oscar.
- b. The parties agree to stay this FOIA case until after the hearing has occurred in the immigration cases, and respectfully request that the Court enter the attached Proposed Order to that effect. The parties agree that during the pendency of the stay, Defendants do not have to work on updating their declaration and *Vaughn* index for a renewed motion for summary judgment.
- c. In exchange, the parties agree that Defendants will not oppose asylum for Emilio Gutiérrez-Soto or his son Oscar at the upcoming March 18 hearing. The parties also agree that Defendants will not oppose a motion for Oscar’s request for asylum to be back dated *nunc pro tunc* to before he got

married.

- d. If Defendants uphold their side of the bargain by not opposing asylum for Emilio and Oscar Gutiérrez-Soto, and not opposing the *nunc pro tunc* motion, Plaintiffs agree to waive any challenges to the remaining withholdings in this FOIA case. Thereafter, The only issue remaining would be Plaintiffs' claim for attorneys' fees and costs in this FOIA case. The parties will meet and confer to determine if they can informally resolve such claims, or, if not, will submit a proposed briefing schedule to the Court.
- e. This agreement is not intended and shall not be deemed an admission by any party of the merit or lack of merit of an opposing party's claims or defenses.

5. In light of the agreement and proposed path indicated above, the parties respectfully request that they be allowed to stay this case until the end of March and file another joint status report by no later than Thursday, March 28, 2024.

Respectfully submitted,

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|                                |             | ) |                          |
|                                | Defendants. | ) |                          |
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**[Proposed] ORDER**

In light of the parties’ joint status report and the agreement reflected therein, it is hereby ORDERED that this case is STAYED. It is FURTHER ORDERED that the parties shall submit a further joint status report with a recommendation for further proceedings in this matter on or before March 28, 2024.

SO ORDERED.

Dated: \_\_\_\_\_