

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

AMERICA FIRST LEGAL FOUNDATION,

*Plaintiff,*

v.

THE NATIONAL ARCHIVES AND  
RECORDS ADMINISTRATION,

*Defendant.*

Case No. 22-cv-02713 (CRC)

**JOINT STATUS REPORT**

Pursuant to the Court’s Minute Order dated August 30, 2024, Plaintiff America First Legal Foundation (“AFL”) and Defendant the National Archives and Records Administration (“NARA”) (collectively, the “Parties”), by and through undersigned counsel, respectfully submit this Joint Status Report.

1. This case involves three Freedom of Information Act (“FOIA”) requests that AFL submitted on August 9, 2022, seeking records related to Hunter and James Biden’s business dealings, specifically, among other things, all emails sent to or received from certain email addresses; all communications with Hunter or James Biden; all photographs of Hunter and James Biden; all communications with Hunter or James Biden related to official travel, trips, itineraries, meetings, White House visits, tours, or the White House Worker and Visitor Entry System; and records related to Hunter and James Biden’s business dealings related to Ukraine and China. *See* Compl., ECF No. 1.

2. NARA continues to process potentially responsive records in this case at a rate of at least 1,250 pages per month, which exceeds the typical processing rate NARA uses for other FOIA requests. NARA has made several interim productions to AFL.

3. As explained in prior filings, the Presidential Records Act (PRA) requires NARA to provide the incumbent President and the President and Vice-President who were in office when the records were created with 60 working days—which may be extended once, for an additional 30 working days—to review and assert any claim of constitutionally based privilege over the records before their release. 44 U.S.C. § 2208(a)(1)(A), (a)(3)(A)-(B); *id.* § 2207; *see also* ECF No. 10 at 2. As it relates to NARA’s June 27, 2024 notification, the 30-day extension has been invoked, and NARA will release non-exempt responsive records after the expiration of that extended period. The PRA also sets another timeline that will be relevant to certain future productions. Specifically, the PRA provides that if the 60-working-day period, or any 30-working-day extension of that period, “would otherwise expire during the 6-month period after the incumbent President first takes office, then that 60-day period or extension, respectively, shall expire at the end of that 6-month period.” 44 U.S.C. § 2208(a)(3)(C). NARA will continue processing at least 1,250 pages of potentially responsive records each month, and make PRA notifications related to processed documents, on a monthly rolling basis.

4. Since the last status report, the Parties have conferred in good faith about the disputed issues identified in their prior JSR and proposals to narrow the production. AFL has made a narrowing proposal for two of the three FOIA requests at issue in this litigation. With those proposals, NARA estimates that it will complete processing remaining potentially responsive records by November 2025.

5. NARA has also agreed to review certain of its withholdings based on concerns raised by AFL pursuant to the regulatory timelines that apply to appeals from the Archivist’s decision to restrict access to a presidential record under the PRA. *See* 36 C.F.R. § 1270.42; *see also* 44 U.S.C. § 2204(b)(3).

6. The Parties propose filing the next JSR by December 2, 2024.

Dated: September 30, 2024

/s/ Brian J. Field (with permission)

Brian J. Field

D.C. Bar No. 985577

SCHAERR | JAFFE LLP

1717 K Street NW, Suite 900

Washington, DC 20006

Tel.: (202) 787-1060

E-mail: bfield@schaerr-jaffe.com

*Counsel for Plaintiff*

Respectfully submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

MARCIA BERMAN

Assistant Director, Federal Programs Branch

/s/ Jacob S. Siler

JACOB S. SILER

Trial Attorney (DC Bar No. 1003383)

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L St NW

Washington, D.C. 20005

Telephone: (202) 353-4556

Email: Jacob.S.Siler@usdoj.gov

*Counsel for Defendant*