

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 19-CV-00290-EMC

STIPULATION

Plaintiffs American Civil Liberties Union Foundation and American Civil Liberties Union Foundation of Northern California, and Defendant Department of Homeland Security (“DHS”), hereby stipulate to a suspension of briefing on Plaintiffs’ challenge to the adequacy of the search conducted by U.S. Customs and Border Protection (“CBP”) pending CBP’s completion of a supplemental search described below and processing and production of responsive documents. The parties further stipulate that adjudication of the remaining issues in the parties’ cross-motions need not await the completion of CBP’s supplemental search and production of records.

DHS states that while CBP’s original searches included multiple electronic repositories, due to a misunderstanding among CBP offices surrounding relative

1 roles in conducting the original searches, CBP did not originally conduct a
2 centralized electronic keyword search of email records through the Office of
3 Information Technology specifically scoped to items 3 or 4 of Plaintiffs' FOIA
4 request. CBP agrees that such a search should have been conducted. CBP will now
5 endeavor to conduct a centralized electronic keyword search of email records of
6 relevant custodians in an effort to identify records responsive to items 3 and 4 (the
7 "Supplemental Search").

8 The parties agree that the cut-off date for CBP's Supplemental Search will
9 be the date that it is commenced, but that CBP will not supplement its prior
10 searches in this case, which were commenced on earlier dates.

11 Respectfully submitted,

12 DATED: May 20, 2021

/s/ Hugh Handeyside

13 Hugh Handeyside
14 American Civil Liberties Union Foundation
15 125 Broad Street, 18th Floor
16 New York, NY 10004
17 Telephone: 212-549-2500
18 hhandeyside@aclu.org

19 Matthew Cagle
20 American Civil Liberties Union Foundation
21 of Northern California
22 39 Drumm Street
23 San Francisco, CA 94111
24 Telephone: 415-621-2493
25 mcagle@aclunc.org

26 *Attorneys for Plaintiffs*

27 BRIAN M. BOYNTON
28 Acting Assistant Attorney General

ELIZABETH J. SHAPIRO (D.C. Bar No.

418925)
Deputy Branch Director

/s/ Elizabeth Tulis

ELIZABETH TULIS (NY Bar)

Trial Attorney

U.S. Department of Justice,

Civil Division, Federal Programs Branch

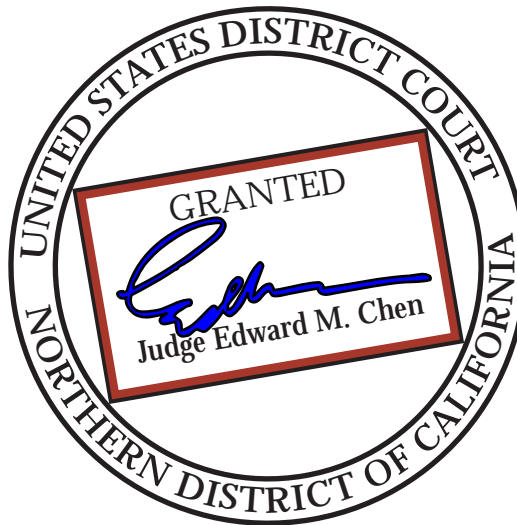
1100 L Street, NW

Washington, D.C. 20005

Telephone: (202) 514-9237

elizabeth.tulis@usdoj.gov

Attorneys for Defendants



DATED: 5/21/2021