

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

HISTORY ASSOCIATES INCORPORATED,

Plaintiff,

v.

U.S. SECURITIES AND EXCHANGE  
COMMISSION,

Defendant.

Case No. 1:24-cv-1858-ACR

**JOINT STATUS REPORT**

Pursuant to this Court’s November 8, 2024 Minute Order, Plaintiff, History Associates Incorporated, and Defendant, the U.S. Securities and Exchange Commission (“SEC”), hereby submit this joint status report. The parties previously submitted joint status reports on August 23, 2024 (Dkt. 14), September 23, 2024 (Dkt. 17), and October 7, 2024 (Dkt. 18).

During the November 8, 2024 pre-motion conference in this FOIA case, the Court directed the SEC initially to process two subparts of one of the FOIA requests at issue in this case: (1) all documents and communications that SEC Chair Gary Gensler sent, received, or considered concerning Ethereum’s shift to a proof-of-stake mechanism, and (2) all documents and communications sent by the SEC to third parties regarding Ethereum’s shift to a proof-of-stake mechanism. The Court also directed the SEC to release all responsive, non-exempt records and a *Vaughn* Index identifying and describing any responsive records the SEC withholds within 60 days, which is January 7, 2025. History Associates stated at the hearing that the prioritized processing of these records is without prejudice to History Associates’ right under FOIA to require the SEC to promptly process the remainder of the records responsive to History Associates’ FOIA

requests, and the Court recognized History Associates' right to dispute the SEC's responses to the remainder of its FOIA requests. ECF 24-1 at 15-17.

On December 19, 2024, the SEC filed a motion for extension of time to issue its responses to the prioritized subparts. Dkt. 23. The SEC stated that although it planned to issue a partial response to the second subpart by January 7, it needed until January 28 to release all records responsive to both subparts. *Id.* at 2. History Associates opposed the SEC's motion. Dkt. 24. On December 27, 2024, the Court granted the SEC's motion and ordered the SEC to issue responses to the prioritized subparts by January 28, 2025.

On January 7, 2025, the FOIA Office issued a partial response to the two prioritized subparts and released certain non-exempt responsive records to History Associates. The SEC's counsel also provided History Associates' counsel with preliminary *Vaughn* Indices. The SEC will release the remaining records responsive to the two prioritized subparts by January 28, 2025.

The parties propose to provide the Court with a joint status report by February 4, 2025 concerning the processing of the two prioritized subparts of the FOIA request and proposed next steps.

Date: January 7, 2025

/s/ Nick Harper

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Respectfully submitted,

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