

**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

**SEC'S OPPOSED MOTION
FOR EXTENSION OF TIME**

Defendant U.S. Securities and Exchange Commission ("SEC"), by and through its undersigned attorney, respectfully moves for an order granting the SEC additional time to issue its responses to two narrowed subparts of one of the Freedom of Information Act ("FOIA") requests at issue in this case. As grounds for this relief, the SEC states:

1. This is an action seeking the production of records from the SEC under the FOIA, 5 U.S.C. § 552.

2. On November 8, 2024, the parties attended a pre-motion conference before Judge Reyes in response to Plaintiff's Notice of Anticipated Motion and Request for Pre-Motion Conference. During that conference, the parties agreed that the SEC would process two narrowed 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

parties also agreed that the SEC would release all responsive, non-exempt records and a *Vaughn* Index in connection with its withholdings from the records within 60 days.

3. The current deadline for the SEC to issue its responses to the narrowed subparts is January 7, 2025.

4. The SEC has been working diligently to process records responsive to the narrowed subparts. To identify records potentially responsive to the subparts, the SEC has worked with agency staff including staff in the Office of the Chair and the Division of Enforcement, and the SEC's Office of Information Technology ("OIT") has conducted searches of email correspondence. Some of the OIT searches are broad and have returned a high number of hits, which then require review, so processing the records for those OIT searches has taken more time than originally expected.

5. The SEC plans to issue a partial response to subpart 2 by January 7, 2025.

6. Given the need to review the broad OIT search results, and to consult within the agency prior to release over the holidays, the SEC seeks a three-week extension, until January 28, 2025, to release all records responsive to the narrowed subparts.

7. This is the first request for an extension that the SEC has sought. Granting this motion will not affect existing deadlines in this case.

8. Pursuant to Local Civil Rule 7(m), the SEC's counsel has conferred with Plaintiff's counsel. On December 17, 2024, the SEC's counsel asked Plaintiff's counsel if Plaintiff would agree to a three-week extension of the January 7, 2025 deadline, and Plaintiff's counsel did not agree to such an extension. On December 19, 2024, the SEC's counsel informed Plaintiff's counsel of her intent to file this motion, and Plaintiff's counsel stated that Plaintiff will oppose this motion.

Accordingly, the SEC respectfully requests that the Court grant the SEC's request for a three-week extension of the deadline to issue responses to narrowed subparts of the FOIA request.

Dated: December 19, 2024

Respectfully submitted,

/s/ Alexandra Verdi
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[PROPOSED] ORDER

Having considered the defendant U.S. Securities and Exchange Commission's ("SEC")
opposed motion for extension of time,

IT IS HEREBY ORDERED that the SEC's deadline to issue responses to two narrowed
subparts of one of the FOIA requests at issue in this case is extended to January 28, 2025.

SIGNED on this ____ day of _____, 20 ____.

Hon. Ana C. Reyes
UNITED STATES DISTRICT JUDGE