

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

HISTORY ASSOCIATES INCORPORATED,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Defendant.

Case No. 1:24-cv-1857-ACR

JOINT STATUS REPORT

Pursuant to this Court’s August 8, 2024 Minute Order, Plaintiff, History Associates Incorporated (“History Associates”), and Defendant, the Federal Deposit Insurance Corporation (“FDIC”), by and through their respective undersigned counsel, hereby submit this joint status report and proposed briefing schedule.

1. On June 27, 2024, History Associates filed this suit against the FDIC under the Freedom of Information Act (“FOIA”) seeking “pause letters” that the FDIC sent to certain financial institutions related to their digital-asset activities. Dkt. 1.

2. On August 7, 2024, the FDIC filed its answer to the complaint. Dkt. 13.

3. On August 8, 2024, this Court issued a minute order requiring the parties to meet and confer and file a joint status report by August 23, 2024 addressing, among other things, the following issues: “(1) the status of Plaintiff’s FOIA requests; (2) the anticipated number of documents responsive to Plaintiff’s FOIA requests; (3) the anticipated date(s) for release of those documents; and (4) whether a motion for a stay under *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976), is likely.”

4. Counsel for the parties have conferred and submit the following joint status report and proposed briefing schedule.

5. Plaintiff's FOIA request has been fully processed. On November 8, 2023, History Associates submitted the FOIA request at issue. On January 22, 2024, the FDIC denied History Associates' request. On March 25, 2024, History Associates administratively appealed the FDIC's denial. On May 8, 2024, the FDIC denied History Associates' appeal. The parties do not anticipate further proceedings before the FDIC related to the FOIA request at issue here.

6. The FDIC anticipates that there are fewer than 100 documents responsive to History Associates' FOIA request. The documents were withheld by the FDIC based on its determination that the documents are exempt from disclosure under FOIA.

7. The FDIC does not anticipate releasing any documents withheld in response to History Associates' FOIA request.

8. Because History Associates' request has been fully processed, a motion for a stay under *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976) will not be necessary.

9. The parties believe that this case is ready to proceed to summary judgment and request entry of the following briefing schedule:

- a. The FDIC shall file its motion for summary judgment by **September 30, 2024**.
- b. History Associates shall file its opposition to the FDIC's motion for summary judgment and its cross-motion for summary judgment by **October 28, 2024**.
- c. The FDIC shall file its reply in support of its motion for summary judgment and its opposition to History Associates' cross-motion for summary judgment by **November 25, 2024**.
- d. History Associates shall file its reply in support of its cross-motion for summary judgment by **December 16, 2024**.

Date: August 21, 2024

/s/ Eugene Scalia

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Respectfully submitted,

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[PROPOSED] ORDER

Upon consideration of the Joint Status Report, it is hereby ORDERED that:

1. The FDIC shall file its motion for summary judgment by **September 30, 2024**.
2. History Associates shall file its opposition to the FDIC's motion for summary judgment and its cross-motion for summary judgment by **October 28, 2024**.
3. The FDIC shall file its reply in support of its motion for summary judgment and its opposition to History Associates' cross-motion for summary judgment by **November 25, 2024**.
4. History Associates shall file its reply in support of its cross-motion for summary judgment by **December 16, 2024**.

SO ORDERED:

Date

HON. ANA C. REYES
United States District Judge