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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**

8 VICTORIA LAW,  
9 PLAINTIFF,  
10 VS.  
11 FEDERAL BUREAU OF PRISONS,  
12 DEFENDANT.

CASE NO.: 4:24-cv-06628-AGT

**DECLARATION OF CAITLIN KELLY  
HENRY IN SUPPORT OF PLAINTIFF’S  
LETTER BRIEF REGARDING BOP  
VIOLATIONS OF PRODUCTION ORDER  
(DKT. 42)**

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15 I, Caitlin Kelly Henry, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the  
16 following statements are true and correct. The following statements are made of my own personal  
17 knowledge except as to those matters stated to be based on information or belief. If I were to be called as  
18 a witness, I could competently testify about what I have written in this declaration.  
19

20 1. I participated in a meet-and-confer with representatives of the Federal Bureau of Prisons  
21 (“BOP”) on March 20, 2026. Also in attendance were Kara Christenson (BOP), Katherine Carpenter  
22 (BOP), Kristi Sutton (BOP), Michael Pyle (Assistant United States Attorney), and Victoria Law  
23 (Plaintiff).

24 2. On March 18, 2026, in advance of the meeting, Plaintiff proposed a structured agenda  
25 identifying numerous discrete items for discussion at the meet-and-confer. These included Plaintiff’s  
26 proposed joint schedule; whether BOP disputes facts related to production timing; whether BOP is in  
27 compliance with the May 30, 2025 Production Order; whether BOP complied with monthly production  
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1 requirements and notice obligations; whether BOP disputes missing productions on specific dates;  
2 whether BOP disputes facts related to production format and its position regarding production in native  
3 format with metadata; and, for purposes of the Joint Case Management Statement, whether BOP agrees  
4 with Plaintiff's characterization of its positions, whether those positions have changed, whether they are  
5 maintained, when BOP will take positions if it has not yet done so, and whether further meet-and-confer  
6 would alter them. Plaintiff also requested that BOP address a series of asserted legal positions, including  
7 its positions regarding the scope and timing of email production, its obligations to issue determination  
8 letters, provide estimated completion dates, complete searches by a definitive date, communicate  
9 timelines, and provide detailed explanations for withholdings. Plaintiff further asked whether BOP  
10 disputes that delay constitutes unlawful withholding under FOIA, and whether BOP disputes that it  
11 failed to substantively respond to multiple prior written submissions, including memoranda, emails, and  
12 letters spanning December 2024 through February 2026, as well as issues raised in Releases 9 and 10,  
13 tort and property claim productions, and email redactions. Plaintiff additionally sought information  
14 regarding preservation and spoliation, including whether a litigation hold had been implemented and  
15 whether any responsive records had been destroyed or become inaccessible. Finally, Plaintiff requested  
16 information necessary to facilitate narrowing, including what information BOP could provide regarding  
17 the existence, scope, and volume of responsive records.

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20 3. BOP did not agree to discuss those 25 items.

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22 4. BOP did not provide page counts, search terms, and generally did not identify systems  
23 searched, nor did it commit to timelines or positions. BOP declined to state which records it would  
24 produce in March. BOP declined to state when it would produce the records for the months it was  
25 ordered to produce and has not yet produced.

26 5. BOP's participation was largely limited to asking Plaintiff to narrow requests without  
27 providing the information Plaintiff stated was necessary to make informed narrowing decisions.  
28

1 6. As reflected in the two attached exhibits, the parties' discussions focused on four primary  
2 categories: (1) items where agreements were reached, (2) items requiring follow-up by Plaintiff, (3)  
3 items requiring internal follow-up by BOP, and (4) items for which no agreement was reached. Of the  
4 total requests discussed, agreements were reached on 18 items, 10 items require further follow-up by  
5 Plaintiff, 15 items require additional internal review and response from BOP, and 7 items remain  
6 unresolved with no agreement. This breakdown reflects that while some progress was made through  
7 narrowing, a substantial number of items remain outstanding or dependent on further action by one or  
8 both parties.  
9

10 7. Many categories remain unresolved or require follow-up by either Plaintiff or BOP. Plaintiff  
11 narrowed several timeframes to facilitate production. For example, with respect to housing unit logs,  
12 BOP produced logs from 2023 in Release 11, stating they were responsive "in partial response to Item  
13 Numbers 18, 19, 20 and 21 of your request seeking information regarding when inmates were  
14 transferred and where, uses of force, records indicating who was working where and when, and  
15 investigations and discipline issued." Plaintiff advised that these records were not responsive and agreed  
16 to limit the request to the period January 1, 2024 through July 30, 2024. For Request One, Plaintiff  
17 agreed to narrow non-email communications related to closure to April through June 2024. Case reviews  
18 were narrowed to April 15 through May 1, 2024. Staff deployment and other closure-related records  
19 were narrowed to April 1 through May 1, 2024. Use of force records were similarly narrowed to April 1  
20 through May 1, 2024, with further refinement to April 15 through May 1 for closure-specific incidents.  
21 Plaintiff also agreed to proceed in stages by first receiving summary documents and, if necessary,  
22 following up for underlying records. For example, where grievances are produced in summary form,  
23 Plaintiff will identify specific grievances for which she seeks the underlying records. Similarly,  
24 expenditures will initially be produced in summary form, with the option to request supporting  
25 documentation thereafter.  
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1 8. No agreement was reached on several categories of requests, such as immigration records,  
2 certain personnel and staffing records, and video records, where BOP either asserted limitations, raised  
3 concerns, or did not provide sufficient information to move forward. As a result, these items remain  
4 unresolved, and further meet-and-confer or court intervention may be necessary to advance production.  
5

6 9. BOP did not agree to a date for providing Plaintiff with responses.

7 10. BOP did not agree to a date for the next meeting.

8 11. On Sunday March 29, 2026 Plaintiff received two emails from BOP. She read them around  
9 9am on Monday the 30<sup>th</sup>. Those communications did not address the sixteen items identified for BOP  
10 follow-up, did not provide the requested information regarding searches or volume of records, and did  
11 not set forth BOP's positions on the unresolved issues. Plaintiff responded to the email about the JCMS  
12 within approximately two hours of receiving that communication and did so in accordance with BOP's  
13 requested responses. Plaintiff requested information about BOP's timeline for the filings.  
14

15 12. As of 12:00 p.m. on Tuesday March 31, Plaintiff had not received a response regarding the  
16 timing questions. Plaintiff responded to BOP's request to further narrow. Plaintiff sent additional  
17 correspondence responding to BOP's communications, providing updated drafts of the JCMS, attaching  
18 new exhibits relevant to the production dispute letter brief regarding BOP's Violations of Production  
19 Order (Dkt. 42) and reiterating the timing Plaintiff intends to pursue for those filings as communicated  
20 on March 18. In that correspondence, Plaintiff again requested BOP's position regarding timing.  
21

22 13. The day before the JCMS filing deadline, on April 2, 2026 BOP finally sent drafts to  
23 Plaintiff, but has yet to respond to numerous outstanding inquiries. BOP transmitted the JCMS draft at  
24 10:32AM and transmitted discovery letter briefs drafts at 2:58PM.  
25

26 14. There has been a repeated pattern of Defendant withholding draft filings until the day before  
27 or day of filing, leaving insufficient time for meaningful review, consultation with my client, or  
28 substantive revision. This practice has occurred throughout the litigation and has resulted in

1 circumstances where I am unable to have the necessary time to obtain client input or ensure accuracy  
2 before filings are submitted to the Court. This pattern unfairly prejudices Plaintiff and impedes my  
3 ability to fulfill my professional obligations, including my duty to keep my client reasonably informed  
4 and involved in significant developments in the case. Plaintiff is concerned that this pattern of conduct  
5 raises issues under applicable ethical and professional standards governing candor, fairness, and the  
6 efficient administration of justice. See Northern District of California Civil Local Rule 11-4(a)(4)  
7 (requiring attorneys to practice with the honesty, care, and decorum necessary for the fair and efficient  
8 administration of justice; NDCA Guidelines for Professional Conduct 3 (prohibiting delay tactics and  
9 requiring reasonable scheduling accommodations((a) Make reasonable efforts to schedule by agreement  
10 and consider the scheduling interests of opposing counsel and parties. (b) Do not arbitrarily withhold  
11 scheduling accommodations. (c) Do not engage in delay tactics) and §8 (prohibiting mischaracterization  
12 of positions or events); Cal. Rules of Professional Conduct 3.2 (prohibiting conduct that unnecessarily  
13 delays proceedings). 3.3 (requiring candor toward the tribunal), and 4.1 (prohibiting false statements of  
14 material fact to others).  
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18 15. I prepared the following exhibits in support of Plaintiff's Letter Brief regarding Defendant's  
19 violations of the Court's May 30, 2025 Production Order (Dkt. 42). These exhibits were created to track  
20 Defendant's production activity, document outstanding obligations, and reflect the status of the parties'  
21 meet-and-confer efforts and Plaintiff's narrowing.  
22

23 Exhibit 1 (Dkt. 73-2), Status of Agreements and Plaintiff's Narrowing  
24 Exhibit 2 (Dkt. 73-3), Categories of Agreements  
25 Exhibit 3 (Dkt. 73-4), Missing Information and Productions as of March 2026  
26 Exhibit 4 (Dkt. 73-5), Categories of Records Produced and Withheld  
27 Exhibit 5 (Dkt. 73-6), Categories of Records Produced and Withheld  
28 Exhibit 6 (Dkt. 73-7), FOIA Release Timelines and Page Counts

1 DATED: April 3, 2025

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Signature: \_\_\_\_\_/s/\_\_\_\_\_

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By: Caitlin Kelly Henry, Esq.

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