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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

VICTORIA LAW,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Case No. 3:24-CV-06628-AGT

JOINT CASE MANAGEMENT STATEMENT

The parties to the above-captioned action jointly submit this joint case management statement ("JCMS") in advance of the Case Management Conference ("CMC") set for September 4, 2026, pursuant to the Court's August 7, 2026 Order (ECF No. 87).

The parties report that they have complied with the Court's April 10, 2026 meet and confer order (ECF No. 78) and are working cooperatively in an attempt to resolve disputes and agree upon a case schedule without Court intervention. BOP shared email search terms and custodians for certain requests and reported the number of potentially responsive "items" identified through one search. For those "items," Plaintiff does not seek to add further search terms or custodians.

Plaintiff's Position:

Plaintiff provides the updated production facts to correct inaccuracies in Plaintiff's proposed schedule noted in the parties August 8, 2026 Stipulation and Joint Case Management Statement ECF No. 86. Plaintiff's schedule (drafted April 24, 2026) estimated BOP review at the 1,000-page monthly rate ordered by ECF No. 42 on May 30, 2025.[1] In ECF No. 86 BOP also stated "the case schedule for the current record processing phase of this FOIA dispute is self-executing—as ordered by this Court (ECF No. 42), each month BOP will process at least 1,000 pages of potentially responsive records. That processing rate will continue for five years or until the universe of potentially responsive records has been processed." However, that rate has not been the actual rate of production.

The three tables below provide (1) an illustrative comparison between the proposed case schedule and BOP's historical production rates, (2) a summary of BOP's production and page-review record through July 31, 2026, and (3) a release-by-release chronology showing when each production was due, when it was transmitted, and the number of pages BOP identified as reviewed. The facts of BOP's productions are relevant to the requested timeline because the duration of the remaining record-processing phase depends on the number of pages remaining and the rate at which BOP processes them, which has been less than what the court ordered. The figures below provide a factual baseline for evaluating Plaintiff's proposed August 2029 completion date by comparing the ordered 1,000-page monthly rate with BOP's actual post-ECF 42 production history through July 31, 2026. They are offered as an illustration of that relationship, and its relationship to the proposed case schedule, not as a prediction that future production will necessarily follow the same pattern.

Issues with how FOIA and the Privacy Act interact have impacted this case were raised in the June 17 and August 7, 2026 stipulations. ECF Nos. 84 and 86. BOP proposed Plaintiff obtain Privacy Act Certification of Identity Forms DOJ 361 from individuals for release of 4 categories of FOIA requested records.[2] BOP states that the Privacy Act forms obtained will affect the volume of records it processes

[1] On May 30, 2025, the Court ordered BOP to 1. Review 1,000 pages a month, and 2. release responsive records on the last day of every month, or on the next regular business day when the last day falls on a Saturday, Sunday, or legal holiday. ECF No. 42.

[2] 1. Compassionate release records relating to the review performed by Nancy McKinney and the Monitor during the closure; 2. medical reviews performed during the closure, which may also include past and present medical alerts; 3. Immigration records maintained in e-central files; and 4.

under the Order to review 1,000 pages a month pursuant to FOIA.

Table 1: Historical Rates Applied to Plaintiff's Proposed Schedule

Table 1 applies the BOP's actual release data to the page-review milestones in Plaintiff's proposed schedule to illustrate how the production record to date relates to the proposed case schedule. Plaintiff's April 24, 2026 proposed schedule (ECF No. 86), assumed review at the 1,000-page monthly rate established by ECF No. 42 on May 30, 2025. Through July 31, 2026, BOP's determination letters quantify 9,598 conventional pages reviewed out of the 15,000 pages contemplated by that schedule, or 64.0%. They also identify 29 multi-tab spreadsheets without a page-equivalent count. The parties are discussing how to quantify a spreadsheet into a page count.

Table 2: Production and Page-Review Record Through July 31, 2026

Since ECF No. 42 (May 30, 2025), 15 monthly production periods have occurred, corresponding to BOP's obligation to review 15,000 pages. BOP's determination letters quantify review of 9,598 conventional pages, leaving 5,402 pages, or 36.0%, not accounted for in page terms, subject to the unquantified spreadsheets. Nine of the 15 monthly periods, or 60%, did not have 1,000 quantified pages reviewed by the applicable deadline. At least 4,633 of the pages BOP was required to review have not been subsequently accounted for in a later production and remain outstanding.

Table 3: Release-by-Release Production History

Table 3 provides the production chronology since the request was submitted 786 days ago in reverse chronological order. It identifies the agreed production deadlines before ECF No. 42, the monthly deadlines established by ECF No. 42, BOP's actual transmission dates, page counts, and relevant production irregularities. Since the request was submitted 786 days ago, 20 production deadlines have occurred: five agreed production deadlines under ECF No. 21, from January 17 through May 9, 2025, and fifteen Court-ordered monthly deadlines under ECF No. 42, from May 30, 2025 through July 31, 2026. BOP did not complete the applicable production by the deadline in 14 of those 20 periods (70%), and five of those production obligations remain outstanding.

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records/photos provided to the Court in connection with the transport.

Table 1: Historical Rates Applied to Plaintiff's Proposed Schedule

Estimated Date	ECF No. 86 Estimated Total Pages Reviewed Per Court Order	Projected Pages Quantified at Historical Rate (64.0%)	Projected Pages Not Accounted for in Page Terms (36.0%)	Projected Pages Remaining Outstanding at Historical Rate (30.9%)
October 2026	7,000	4,479	2,521	2,162
January 2027	10,000	6,399	3,601	3,089
July 2027	16,000	10,238	5,762	4,942
January 2028	22,000	14,077	7,923	6,795
January 2029	34,000	21,755	12,245	10,501
July 2030	52,000	33,273	18,727	16,061

Table 2: Production and Page-Review Record Through July 31, 2026

Measure	Through July 31, 2026
Productions due From May 30, 2025 Order (ECF No. 42) through July 31, 2026	15
Pages scheduled for processing at 1,000 pages/month	15,000
BOP determination letter count of pages reviewed	9,598
Multi-tab spreadsheets without page-equivalent count	29
The difference between the number of pages BOP ordered the court to review and number of pages BOP identified in its determination letters as reviewed	5,402/15,000 pages (36%)
Monthly periods in which BOP did not satisfy the 1,000-page requirement by the due date	9 of 15 (60%)

Table 3: Release-by-Release Production History

Actual Release No.	**Agreed Deadline (ECF 21)**	**Court-Ordered Deadline (ECF 42)**	**BOP Transmitted**	**Days After Due Date**	**Pgs**	**BOP Naming Issue**	**Notes**
15-2	-	6/30/26	8/10/26	41	436	14-2 Rolling Release	BOP determination letter calls this the final July 2026 production.
15-1	-	6/30/26	8/7/26	38	564	Email: 14-1; letter: 13-1	

Actual Release No.	Agreed Deadline (ECF 21)	Court-Ordered Deadline (ECF 42)	BOP Transmitted	Days After Due Date	Pgs	BOP Naming Issue	Notes
No production	-	7/31/26	None	Outstanding	0	-	.
No production	-	6/30/26	None by due date	-	0	-	
14	-	6/1/26	6/4/26	3	367	13-1	Some pages counted toward this release were produced through a DOJ Certification of Identity Form 361 release process proposed by BOP.
13-3	-	4/30/26	5/11/26	11	13 spreadsheets	12-3	Additional April spreadsheets. BOP provided no page-equivalent count.
13-2	-	4/30/26	5/8/26	8	6 spreadsheets	12-2	Additional April spreadsheets. BOP provided no page-equivalent count.
13-1	-	4/30/26	5/5/26	5	193 + 10 spreadsheets	12th	BOP described this as a portion of April and provided no page-equivalent count for the spreadsheets.
12	-	3/31/26	3/31/26	0	1,000	12th	BOP stated this encompassed the required March 2026 production.
11	-	3/2/26	2/26/26	0	1,000	11th	BOP stated this encompassed the required February 2026 production.
10-2	-	2/2/26	2/3/26	1	509	-	Second January installment; combined January total was 1,016 pages.
10-1	-	2/2/26	1/30/26	0	507	10th Rolling Release	BOP called this the first half of the required January production.
9	-	12/31/25	12/19/25	80 days	2,021	-	BOP asserted that this release satisfied both the September and December 2025 production obligations.
No production	-	12/1/25	None	-	0	-	
No production	-	10/31/25	None	-	0	-	Federal government shutdown: 10/1/25-11/12/25.

Actual Release No.	Agreed Deadline (ECF 21)	Court-Ordered Deadline (ECF 42)	BOP Transmitted	Days After Due Date	Pgs	BOP Naming Issue	Notes
No production	-	9/30/25	None	-	0	-	
8	-	9/2/25	8/28/25	0	1,001	-	
7	-	7/31/25	7/31/25	0	1,000	-	
6	-	6/30/25	6/30/25	0	1,000	-	
No production	-	6/2/25	None	-	0	-	
No production	5/9/25	-	None	-	0	-	
5	4/11/25	-	5/1/25	20	487	-	
4	3/14/25	-	3/21/25	7	650	-	
3	2/14/25	-	2/21/25	7	32	-	
2	1/17/25	-	1/24/25	7	51	-	BOP agreed in the Jan. 9, 2025 Case Management Statement to make rolling releases every four weeks. ECF No. 21 at 2.
1	-	-	12/20/24	-	568	-	Initial production; starting point for the later four-week production schedule.

BOP's Position:

BOP has been processing and releasing responsive records to the best of its ability in this case, and it will continue to do so for the pendency of this lawsuit.[3]

While Plaintiff takes issue with BOP's inability to provide a precise page count for Excel spreadsheets, these records are maintained in their native format, and they are being released in accordance with how Plaintiff wishes to receive them. Providing an artificial page count for spreadsheets with multiple tabs is not feasible, nor would it accurately reflect the work hours invested by resource-constrained BOP staff to conduct the line-by-line and tab-by-tab processing necessary here. Moreover, not only does Plaintiff improperly leverage BOP's inability to provide a precise page count for native Excel spreadsheets to suggest that BOP is violating the Court-ordered processing rate, but the

[3] To the extent Plaintiff wishes to rehash events about which the Court has already ruled, including Plaintiff's Motion for Order to Show Cause as to Why BOP Should Not Be Held in Contempt (ECF No. 54), the Court denied Plaintiff's Motion. *See* ECF No. 65.

number of processed pages identified by Plaintiff in her section above is inaccurate. Excluding the unquantifiable Excel spreadsheets, BOP has already processed—and released responsive, non-exempt portions of—more than 10,350 pages of records in this case. As Plaintiff notes, however, the parties are engaged in good faith negotiations regarding potential, non-burdensome methods for quantifying Excel spreadsheets for purposes of calculating compliance with the Court-ordered processing rate.

To the extent Plaintiff suggests that BOP violated the Court's May 30, 2025 production order, Plaintiff fails to include necessary background information relating to BOP's good faith efforts to ensure a court-ordered protective order issued in *CCWP et al. v. BOP et al.*, No. 23-04155 (N.D. Cal.) ("*CCWP*"), was not violated by the release of specific categories of records requested in this FOIA case.

During a June 5, 2026 meeting in *CCWP* between BOP Agency Counsel, Class Counsel, and the FCI Dublin Consent Decree Monitor, Class Counsel voiced concerns about specific inmate Class Member records being requested in this FOIA case. Out of an abundance of caution, BOP Agency Counsel requested a separate meeting with Class Counsel and Plaintiff to ensure all stakeholders understood the records being requested and to resolve any concerns relating to the production of records. A meeting occurred on July 16, 2026, in which Class Counsel, Plaintiff, and Agency Counsel discussed records and confirmed a plan forward. No records were released to Plaintiff during this time, as there were several categories of documents BOP Agency Counsel wished to discuss with both *CCWP* Class Counsel and Plaintiff, again, to ensure everyone was on the same page and that there were no concerns in connection with the *CCWP* court-ordered protective order.

The July 16 meeting concluded with success, and BOP Agency Counsel relayed to BOP's FOIA division that releases may begin on certain records while *CCWP* Class Counsel and Plaintiff worked together to ensure Class Members were fully informed about privacy waivers sent to them by Plaintiff. Through inadvertent internal confusion as to whether records could be processed, however, records were not released following the July 16 meeting. This misunderstanding has been resolved, and BOP released 564 pages on August 7, 2026, and 436 pages on August 10, 2026. BOP is actively processing for August. On August 28, 2026, BOP issued a release letter indicating that it had reviewed 425 pages, resulting in the release of 22 pages in full and 403 pages in part. That release letter further indicated that BOP was reviewing a further 575 pages and that it expected to release any responsive, non-exempt material on

August 31, 2026.

In sum, the unique circumstances beyond BOP's control in this case resulted in a temporary delay of the release of some records, but it was a good faith temporary delay to ensure compliance with the *CCWP* court-ordered protective order. Given the resolution reached with Plaintiff and *CCWP* Class Counsel in July, BOP has resumed processing and release of records and intends to continue working with Plaintiff in good faith in this FOIA case.

Finally, the case schedule for the current record processing phase of this FOIA dispute is self-executing—as ordered by this Court (ECF No. 42), each month BOP will process at least 1,000 pages of potentially responsive records. That processing rate will continue for five years or until the universe of potentially responsive records has been processed. Moreover, as discussed above, the parties have engaged in good faith discussions about the scope of potentially responsive records (and BOP intends to continue those good faith negotiations during the pendency of this lawsuit), and as a result the number of outstanding records to be processed may be further narrowed during the pendency of this lawsuit. Given that the parties do not know when processing will be complete—and that watershed moment could still be years in the future—BOP respectfully submits that it is premature to set settlement conference, summary judgment, and fees resolution deadlines at this stage of the case.

DATED: August 28, 2026

Respectfully submitted,

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