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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VICTORIA LAW,

PLAINTIFF,

VS.

FEDERAL BUREAU OF PRISONS,

DEFENDANT.

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

DECLARATION OF CAITLIN KELLY HENRY IN SUPPORT OF PLAINTIFF'S PROPOSED CASE MANAGEMENT ORDER

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

1. I submit this declaration in response to the Court's September 4, 2026 order directing the parties to submit a proposed schedule and, if unable to agree, to brief how the Court should evaluate its reasonableness in the present procedural posture. ECF No. 91. I submit exhibits detailing facts for the court to evaluate reasonableness and scheduling. I describe the procedural history, facts already submitted in support of expedited treatment, the information BOP has provided and not provided, the parties' 2026 conferral efforts, and the source and methodology for each exhibit.
2. **Procedural History.** On July 5, 2024, Plaintiff Victoria Law submitted an expedited FOIA request justifying the need for urgency with citation to FOIA expedition law, and detailing conditions,

abuse, retaliation, medical and mental health care, closure, transfers at FCI Dublin, and harm that entitled Plaintiff to the expedited designation and procedural track. ECF No. 1-1 at 1, 26–31. The request briefed its expedited-processing entitlement under four statutory factors related to the procedural designation of expedition 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e): (1) imminent threats to life and physical safety arising from prison conditions, closure, transfers, receiving facilities, and removal (at 10–13); (2) urgency in informing the public, litigants, courts, the Special Master, and elected officials during proceedings, investigations, and legislative consideration (at 13–15); (3) potential loss of substantial due process rights concerning personal safety, access to courts and counsel, retaliation, grievances, disciplinary and case records, timely release, compassionate release, and immigration proceedings (at 15–24); and (4) exceptional media interest in government integrity following staff criminal convictions, the Special Master appointment, and the closure and transfers (at 24–25). ECF No. 1-1 at 10–25. The original request briefed the FOIA law on "Benefit Derived by Promptly Disclosing Records" (at 6), public interest in prison conditions (at 6), BOP compliance with law and court orders (at 7), fraud, waste, and abuse (at 7), public benefit from immediate disclosure (at 8), and preventing further irreparable harm through reporting (at 10). ECF No. 1-1 at 6–10. My accompanying July 5, 2024 declaration identified four supporting exhibits entering into the record the facts regarding threats to life and safety, urgency to inform the public, substantial due process rights, and exceptional media interest. *Id*. at 34–85. Ms. Law's Declaration described her background as a journalist and reporting and communications from people transferred from Dublin that qualified her for treatment as a journalist under FOIA. *Id.* at 32–33. These materials documented Plaintiff's reporting specific and time-sensitive interests and the justification for her priority ranking of requested items.

3. Plaintiff requested that records be processed from the most pressing for remedying harms to life and liberty interests to the least pressing. *Id.* at 26. The request described potential uses of records

for reporting that could impact proceedings affecting individuals, including correction of disciplinary and sentence records and access to community placement, compassionate release, and immigration relief. *Id.* at 20–24. It also identified administrative grievances, medical care, and conditions following transfer that could benefit from reporting. Those urgencies and potential harms and remedies remain today. In evaluating the proposed schedule, reporting on information concerning an individual's ongoing medical care, custody, administrative request, or pending legal matter is less useful after that matter has concluded or the remedy becomes unavailable due to the passage of time.

4. On July 10, 2024, BOP granted expedited processing ECF No. 1-2.

5. On September 20, 2024, Plaintiff filed the Complaint, attaching the original FOIA request. ECF Nos. 1, 1-1.

6. Due to the expedited nature of the case, Plaintiff briefed why production of at least 5,000 deduplicated pages every four weeks, was appropriate for this case. ECF Nos. 21, 28, 31, 33; *See* also ECF No. 45-1 at 6.

7. In the Discovery Letter Brief hearing on May 12, 2025, the Court and parties discussed whether records responsive to Plaintiff's FOIA Request might overlap with records preserved, collected, or produced in related civil and criminal litigation concerning FCI Dublin. ECF No. 43. These proceedings raised the possibility that responsive records were already subject to litigation holds or other preservation obligations. I sought information from BOP concerning applicable litigation holds and preservation obligations. I have not received confirmation identifying whether such holds apply, what potentially responsive records were preserved or collected, whether those collections remain available, or whether BOP searched them in responding to Plaintiff's Request. This information about whether records related to the closure had already been collected and

preserved remains relevant to determining the reasonableness of the proposed completion schedule.

8. On May 12, 2025, the Court directed me to contact BOP counsel in the related *CCWP* and *M.R.* litigation about whether records collected there could be made available through BOP's FOIA process. I contacted those attorneys on May 13, 2025. On May 22, 2025 Assistant United States Attorney Brodie Butland responded that he and Madison Mattioli would not participate directly in this FOIA action but would assist BOP with collecting documents if specific issues arose. ECF No. 39-1; see also ECF No. 45-2 ¶ 20.

9. On April 10, 2026, the Court directed the parties to confer regarding a case schedule, with meetings in April and May. ECF Nos. 77–78.

10. On April 24, 2026, Jevechius D. Bernardoni substituted for Michael T. Pyle as counsel for BOP. ECF No. 81.

11. Plaintiff's prior discussions of the reasonableness of BOP's processing rate, production obligations, and proposed case schedule appear throughout the record. See ECF Nos. 21, 28, Case Management Statements (Jan. 2025) (proposing production of 5,000 deduplicated pages every four weeks); ECF No. 31, First Joint Discovery Letter Brief (Feb. 24, 2025) (addressing BOP's searches, processing obligations, and the availability of discovery); ECF No. 33, Second Discovery Letter Brief, Production Schedule (Apr. 11, 2025) (requesting an enforceable production schedule); ECF No. 45, Plaintiff's Motion for Partial Judgment on the Pleadings and Declaratory Judgment (Aug. 19, 2025) (seeking an estimated completion date, expedited processing, and prospective relief); ECF No. 54, Plaintiff's Motion for Order to Show Cause (Nov. 18, 2025) (seeking enforcement of the monthly processing order); ECF No. 70, Case Management Statement (Feb. 27, 2026) (requesting a firm completion date and monthly reporting); ECF No. 73, Plaintiff's Case Management Statement (Apr. 3, 2026) (proposing a schedule through production, settlement,

summary judgment, and final resolution); ECF No. 74, Discovery Letter Brief Regarding Compliance with the Court's May 2025 Order (Apr. 3, 2026) (requesting sworn information concerning search methodology, remaining records, processing resources, and completion dates); ECF No. 86, Stipulation and Proposed Order to Continue Further Case Management Conference (Aug. 7, 2026) (documenting Plaintiff's proposed schedule, BOP's outstanding commitments, and production delays and non-production in June 2026); ECF No. 90, Joint Case Management Statement (Aug. 28, 2026) (comparing BOP's actual processing and production rates with the Court's ECF 42 Order and evaluating the proposed August 2029 completion date).

12. The October 15, 2026 Christenson Declaration summarizes BOP's active FOIA requests and litigation, including requests submitted before Plaintiff's, and identifies competing litigation obligations. Christenson Decl. ¶¶ 2, 8. The declaration does not mention BOP's July 10, 2024 grant of expedited processing to Plaintiff, identify whether the competing requests received expedited status, or explain how BOP accounts for expedited processing when allocating resources. Plaintiff previously briefed FOIA's distinct statutory requirements for requests granted expedited processing, including the requirement that such requests be processed "as soon as practicable," and the facts establishing BOP's obligation to afford Plaintiff's Request that treatment. 5 U.S.C. § 552(a)(6)(E)(iii); ECF Nos. 33 at 2–3, 45-1 at 21–23. Exhibit F, Updated BOP FOIA Annual Report Data, provides background from FOIA.gov on BOP's expedited versus non-expedited request count and tracking.

13. The October 15 Christenson Declaration acknowledges that the request Item 1 (email) collection was reduced from approximately 80,000 to 49,000 pages through deduplication, that near duplicates remain. Christenson Decl. ¶¶ 2, 13. The Declaration states that BOP expects a substantial number of the remaining pages to be near duplicates, nonresponsive, or exempt. Christenson Decl. ¶ 2. The declaration does not explain how BOP uses its FOIAXpress software

to conduct searches, identify duplicates, thread emails, screen for responsiveness, or organize records for review. Nor does it identify which available software functions BOP has enabled or employed, whether alternative search and review methods have been tested, or how its existing workflow affects the number of pages requiring manual review and its monthly processing capacity. Plaintiff previously submitted the expert Declaration of Jerry Bui addressing FOIAXpress capabilities and industry document-review practices, including deduplication, near-duplicate detection, email threading, technology-assisted review, and search refinement. ECF No. 48-2 ¶¶ 4–7, 34–36, 43–44. Bui's declaration identified methods that may reduce duplicative review and improve the identification of responsive records. Christenson's declaration does not address those methods or explain whether BOP's implementation of its software and review procedures contributes to the remaining volume, low responsiveness rate, or processing delays. Without information about BOP's actual software configuration, search methodology, and review workflow, it is difficult or not possible to determine whether the reported workload reflects records necessarily requiring individual review or inefficiencies that could be reduced through technical methods, and aligning BOP's methods with standard industry practices. These unresolved factual questions could be addressed through a further sworn declaration identifying the functions employed, the results of tested refinements, and the anticipated effects on review volume and processing capacity, as contemplated by Plaintiff's Proposed Case Management Order.

14. Christenson's October 15, 2026 Declaration provides updated staffing and backlog figures but does not compare them with BOP's historical data or explain how its staffing and resource allocations relate to Plaintiff's expedited-processing status. Christenson Decl. ¶¶ 3, 5–9. On April 11, 2025, Plaintiff submitted BOP's publicly reported FOIA statistics concerning staffing, backlogs, simple and complex processing tracks, expedited-processing times, and litigation costs. ECF No. 33-2 at 1–6; U.S. Dep't of Just., FOIA.gov, Annual Report Data,

https://www.foia.gov/data.html. I subsequently summarized those statistics and BOP's staffing and workload representations in my August 19, 2025 declaration. ECF No. 45-2 ¶¶ 16–23. Plaintiff also previously addressed BOP's FY 2026 congressional budget submission and quarterly FOIA statistics. ECF No. 45-1 at 21–23.Exhibit F updates the previously submitted FOIA.gov data with figures available as of October 15, 2026, including fiscal year 2025 statistics. Exhibit F presents BOP's reported staffing, backlog, expedited-processing, and cost data in tables and graphs to provide historical context for evaluating the staffing and workload representations in Christenson's declaration and the reasonableness of BOP's proposed schedule.

15. The October 15 Christenson Declaration provides no estimated completion date.

16. **Efforts to Meet and Confer and Narrow** The parties met on April 24 and May 8, 2026. I prepared request-specific notes identifying production status, possible narrowing, questions for BOP, and follow-up attributed to each party. BOP participants in the conferences have included Kara Christenson, BOP's Acting FOIA Chief and FOIA Supervisory Government Information Specialist in its FOIA/Privacy Act Section (previously submitted declarations in this action, include ECF Nos. 31-2, 33-4, and 57, filed February 24, April 11, and December 2, 2025,). She is responsible for coordinating the searches, review, and processing of records responsive to Plaintiff's request. Kristi Sutton, Senior Attorney at BOP's Phoenix Consolidated Legal Center. She has worked on the related *California Coalition for Women Prisoners* (*CCWP*) Dublin class action litigation during and since the closure of FCI Dublin and has assisted with identifying and coordinating records implicated by both proceedings. Also included is Katherine M. Carpenter, Senior Attorney in BOP's Western Regional Counsel's Office.

17. At the April 24, 2026 meet and confer, BOP proposed that Ms. Law obtain individual form 361 authorizations for certain categories of records responsive to her FOIA Request about the Dublin closure. The BOP recommended that Plaintiff ask Dublin survivors about Privacy Act waivers in

in order to release unredacted records for her to potentially write timely stories that are in the public interest. Ms. Law agreed to BOP's proposed procedure and undertook efforts to obtain the requested authorizations to facilitate disclosure of those records. Procedural issues arose that delayed this process. On July 11, 2026, BOP attorney Kristi Sutton mapped the request item numbers to records maintained by BOP concerning the FCI Dublin closure, including: (1) compassionate release records reviewed by Nancy McKinney and the Monitor during the closure, corresponding to Request Item 4, including individual records, Warden letters, and case-status records; (2) medical reviews conducted before and during transfers, including medical alerts, screening records, and assessments maintained in JUSTICE/BOP–007, corresponding to Request Item 6; (3) immigration records maintained in individuals' electronic central files, including communications with immigration authorities, immigration status and eligibility records, detainers, and related administrative grievances, corresponding to Request Items 8–10; and (4) records and photographs concerning injuries and conditions during transfers that BOP previously provided to the Court, Special Master, and class counsel in *CCWP v. United States* (described in ECF No. 300 at 8), corresponding to Request Item 45. These categories were identified in the original Request and subsequently mapped by BOP to existing institutional records. The Form 361 authorizations were obtained pursuant to BOP's April 24, 2026 proposal to facilitate disclosure of these previously requested individualized records, not to expand the scope of Plaintiff's FOIA Request. ECF No. 1-1 at 26–31.

18. The issues external to Plaintiff but causing delay on Plaintiff's end were resolved and records were transmitted to BOP in October 2026.

19. On May 26, 2026, Plaintiff agreed to BOP's proposed revised terms for Item 1 email search parameters. This was the second Proposal from BOP on email, and Plaintiff accepted both. This proposed included an April 1, 2023 through July 1, 2024 date range, identified custodians, and

Boolean terms. BOP reported approximately 20,790 resulting items, not pages, subject to responsiveness review. BOP's search words are collected in Exhibit A, but Plaintiff remains unaware of many of the technical aspects of BOP's use of the FOIAXpress software.

20. In the October 8, 2026 Meet and Confer BOP discussed ideas for a later agreement for further narrowing of terms and changing of Boolean parameters and promised to send a formal proposal to Plaintiff to narrow. Plaintiff anticipates further narrowing.

21. On June 4, 2026 the parties met again. The parties later filed stipulations concerning further case management conferences and delaying them on June 17 and August 7, 2026. ECF Nos. 84 and 86; *See also* ECF Nos. 85 and 87.

22. On August 19, 2026, I emailed Defendant's counsel requesting a meet and confer before the August 28 JCMS deadline and asked for available dates. I followed up on August 25. On August 28, I participated in a telephone discussion concerning differing page counts, again requested a further meet and confer, and proposed dates. No additional meeting was agreed to at that time.

23. On September 4, 2026, the Court directed the parties to include a proposed case schedule and absent agreement, briefing with authority addressing how the Court should evaluate the reasonableness of a proposed FOIA schedule in this procedural posture. ECF No. 91. I again requested a meet and confer and transmitted a proposal concerning spreadsheet page accounting.

24. On Friday September 18, 2026, Defendant's counsel emailed requesting a two-week extension of the September 25 JCMS deadline and October 2 case management conference. He wrote: "BOP will provide Plaintiff with a page count for the universe of potentially responsive records in this case by October 5, 2026. BOP reports that, given resource constraints, it cannot provide the page count information earlier without violating the Court-ordered processing rate both in this case and in other district court FOIA litigations." Counsel further explained that the count would inform the

parties' assessment of the remaining scope and a reasonable processing rate and would not be available for the original deadlines.

25. On Monday September 21, 2026, I responded to the requested continuance and transmitted written questions, a proposed agenda, factual materials, and Plaintiff's proposed schedule. I requested an updated BOP declaration concerning its processing resources and competing obligations. On September 22, Defendant's counsel proposed an October 8 meet and confer, confirmed the October 5 page-count date, and stated that BOP would submit a declaration with the October 16 JCMS describing its processing capacity, competing deadlines, outstanding records, and the effects on its processing rate.

26. On October 5, 2026, BOP reported approximately 62,000 potentially responsive FOIA pages remaining and proposed continuing at 1,000 pages monthly for twelve months before reconsidering its rate. BOP proposed establishing dispositive-motion deadlines after processing concluded.

27. On October 7, 2026, I emailed Defendant's counsel documents intended to permit review and correction of the production history, the parties' prior commitments, and the information necessary to evaluate narrowing and the proposed schedule. I asked BOP to confirm accuracy and notify plaintiff of any inaccuracies so plaintiff could correct. The attachments included the Proposed Meet and Confer Agenda; the May 26 revised email search agreement; Facts on Reasonableness Spreadsheet for Meet and Confer; Release Responsiveness spreadsheet; Facts to Evaluate Reasonableness document; Plaintiff's Proposed Schedule.

28. On October 8 the parties met and conferred. BOP clarified that approximately 49,000 of the 62,000 pages were attributed to the Item 1 email search and approximately 13,000 to other FOIA categories. The estimate does not include records associated with approximately 61 DOJ Form 361 authorizations obtained pursuant to the process BOP proposed. BOP stated that estimate could be

completed within a month. At the October 8 conference, I proposed using the date of the decision to close FCI Dublin to evaluate narrowing the Item 1 email search. Defendant's counsel agreed to inquire about that date, and BOP personnel agreed to investigate refinements by date, search term, custodian, author, office, or region. Defendant's counsel also agreed to follow up regarding spreadsheet page equivalency. I requested review of the documents sent to Defendant's counsel for accuracy and to move forward with narrowing. BOP did not agree to discuss those materials.

29. On October 5 and October 6, 2026, I requested a secure means to transmit completed DOJ Form 361 authorizations. At the October 8 conference, BOP personnel stated that an encrypted link would be provided by the end of the day. It was not provided by that deadline. I followed up on October 9, received the link, and transmitted the completed authorizations that day.

30. On October 15, 2026, the day before the filing was due, I received the first draft of the Joint Case Management Statement from Defense. It referenced a declaration from Kara Christenson that was not included. It also reflected the first time Plaintiff became aware that BOP has changed several positions since the October 8, meet and confer.

31. On October 15, 2026, the day before the filing was due at 3:18 PM. I received the Christenson Declaration.

32. **Reasonableness** At the October 8, 2026 meet and confer, BOP discussed some potential revisions to its Item 1 email Boolean search parameters that could reduce the page count and eliminate more non-responsive records. It explained that its email search had been deduplicated through exact metadata matching but that near-duplicate records remained, adding to the page count.

33. On September 9, 2025, Plaintiff submitted the Declaration of Jerry Bui, an expert in digital forensics and electronic discovery. ECF No. 48-2 Bui reviewed BOP's timeline and known search efforts and methods for reasonableness. Bui's Declaration addressed FOIAXpress software, its documented technical capabilities, BOP's representations concerning processing capacity, and

industry practices for electronic document review. His declaration addresses deduplication, near-duplicate identification, email threading, technology-assisted review, search refinement, preservation of metadata, and reuse of records previously collected or reviewed in related litigation. ECF No. 48-2 ¶¶ 4–7, 34–36, 43–44. Bui estimated that a competent review team using available software functions could ordinarily process approximately 1,500 to 2,500 pages monthly, with potentially greater efficiency for email collections containing substantial duplication. ECF No. 48-2. His declaration provides a technical basis for evaluating reasonableness based on the software BOP uses and industry standard document review practices with that software. It identifies technical capabilities and processing practices that may affect the number of records requiring manual review, the resources necessary to process the remaining universe, and the feasibility of alternative monthly processing rates. BOP's identification of the software functions used, its deduplication methodology, and the results of proposed search refinements would permit court to BOP's actual workflow and develop a more informed schedule.

34. **Exhibits Related to Evaluating Reasonableness** These exhibits are submitted to assist the Court in evaluating reasonableness under ECF No. 91 in the current procedural posture.

35. Plaintiff's Proposed Case Management Order: including, settlement proceedings in September 2029, dispositive motions beginning October 2029, and final resolution by March 10, 2031.

36. Exhibit A, Current email search. On May 26, 2026, Ms. Law agreed upon BOP's proposed revised email search parameters, including a search period of April 1, 2023 through July 1, 2024, identified custodians, and Boolean terms. This search represents almost 80% of the known records. BOP is investigating changing its search terms to narrow and reduce the page count and non-responsive rate. Plaintiff does not know if BOP is investigating technical and software based solutions available to avoid manual review.

37. Exhibit B, Narrowing Tracking Spreadsheet for Meet and Confer. I organized the 50 requested items in numerical order and compared the request, BOP's determination letters, correspondence, and conference notes. For each item, I documented any agreed narrowing, production status, known search information, release dates, and follow-up commitments attributed to each party. The item-level organization permits evaluation of how each item's search process could be unique.

38. Exhibit C, Facts to Evaluate Reasonableness. I compared release dates and conventional pages reported in BOP's determination letters against the monthly processing obligations in ECF No. 42. Seventeen monthly obligations accrued through September 30, 2026, representing a 17,000-page benchmark. BOP's letters report 13,386 conventional pages reviewed in total, of which 1,788 preceded ECF No. 42, leaving 11,598 conventional pages reviewed during the seventeen-month period. The 5,402-page difference is provisional, does not assign page-equivalent credit for 29 multi-tab spreadsheets. This notes that BOP did not produce or subsequently cure deficit for non-production for records due in June 2026.

39. Exhibit D, Release Responsiveness Spreadsheet. I extracted the known page counts and disposition categories stated in BOP's rolling determination letters, organized them by release date, and totaled pages reviewed, released in full, released in part, withheld in full, deemed nonresponsive, and identified as duplicates. Where letters attributed records to several request items without an item-level breakdown, I did not assign the aggregate pages to individual request items. I noted discrepancies and spreadsheets lacking conventional page equivalents separately. This separates pages examined from pages produced, an important distinction for evaluating reasonableness.

40. Exhibit E, Processing Options for Meeting Plaintiff's Proposed Case Schedule. I used BOP's approximately 62,000-page estimate and included an illustrative 6,100 pages for approximately 61 Form 361 authorizations at 100 pages each for which BOP has not yet provided a page count. It compares the ordered 1,000-page monthly benchmark with BOP's actual review rate (682-pages

monthly), and proposes potential ways of meeting that schedule by narrowing email or increasing page count. Plaintiff proposes August 24, 2029 as the deadline for completing searches, review, processing, and production of responsive, nonexempt FOIA records. Using October 2026 through August 2029, the proposed schedule provides approximately 35 monthly processing cycles. If, if the illustrative 6,100 authorization-related pages were added to the 62,000-page FOIA universe and reviewed over 35 months, the combined universe would be approximately 68,100 pages, requiring review of approximately 1,946 pages monthly. Plaintiff's proposed schedule contemplates prioritization and completion of the Form 361 individual authorization records by April 8, 2027 (as those have the closest nexus to preventing more harm by more immediate release and may lose journalistic value entirely with more delay), completion of the remaining FOIA production by August 24, 2029. The August 24, 2029 deadline could be reached through an increased processing rate, a reduced remaining universe, or a combination of both. The calculations identify the approximate processing capacity and reductions necessary under each approach.

41. Exhibit F, Updated BOP FOIA Annual Report Data. I prepared Exhibit F using BOP's publicly reported FOIA statistics available through October 15, 2026 to provide historical context for the staffing, workload, backlog, and processing-capacity representations in Christenson's October 15, 2026 declaration. Christenson Decl. ¶¶ 3–9. Plaintiff previously submitted BOP's annual FOIA statistics through fiscal year 2024 as ECF No. 33-2 on April 11, 2025, and subsequently addressed those statistics in ECF Nos. 45-1 at 21–23 and 45-2 ¶¶ 16–23. Exhibit F updates that previously submitted evidence with fiscal year 2025 data, with the categories: (1) BOP staffing, (2) FOIA backlogs, (3) expedited processing times, (4) time required to grant expedited processing, and (5) processing and litigation costs. The exhibit reproduces BOP's reported figures in tables and graphs to document historical trends and provide context for evaluating the reasonableness of BOP's

proposed processing schedule. The data were obtained from the Department of Justice's publicly available FOIA annual report datasets. *See* U.S. Dep't of Just., FOIA.gov, Agency FOIA Annual Report Data, https://www.foia.gov/data.html (last visited Oct. 15, 2026).

DATED: October 16, 2026

Signature: ____/s/_____

By: Caitlin Kelly Henry, Esq._