UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AARON GREENSPAN, Plaintiff, v. EXECUTIVE OFFICE FOR U.S. ATTORNEYS, *et al.*, Defendants.	Civil Action No. 23-1816 (BAH)

JOINT STATUS REPORT

Plaintiff Aaron Greenspan ("Plaintiff"), and Defendants Federal Bureau of Investigation ("FBI") and Drug Enforcement Administration ("DEA"), the only remaining Defendants in this case, respectfully submit the following joint status report proposing a schedule to govern further proceedings, pursuant to the Court's Order July 1, 2025.

1. Pursuant to the Court's Order of April 8, 2025 (ECF No. 47), "defendants FBI and DEA must search for and produce non-exempt records responsive to plaintiff's FOIA requests (FBI Requests Nos. 1588244-000 and 1593615- 000, and DEA Request Nos. 22-00892-F and 24-00201-F) to these agencies." Order (ECF No. 47) at 2.

Defendants' Position

2. The FBI continues to report, consistent with its statement in the last status report, that it expects to complete its searches by September 1, 2025, and thereafter expects to begin making interim responses to Plaintiff by December 1, 2025 (the time to begin interim responses is the result of approximately 10,000 pending FOIA requests and limited resources), and every 30 days thereafter until processing is completed.

3. DEA provided its response to Plaintiff by email on August 7, 2025, which completes its processing based on the search directed by the Court's April 8, 2025 order with the exception of 12 pages that remain out for consult. A copy of that response also was provided by DEA to intervenor's counsel. As explained in its response letter, DEA processed 238 pages, released 50 pages with redactions, withheld 172 pages, sent out 12 pages for consultation, and determined that four pages were non-responsive. The letter noted that withholdings were based on FOIA exemptions 3, 6, 7(C), 7(D), 7(E), and 7(F). This Court's prior memorandum opinion and order was limited to determining that DEA (and FBI) could not invoke a *Glomar* response but it expressly did not foreclose them from applying exemptions under FOIA "through individual withholdings and redactions." *See* Mem. Op. (ECF No. 48) at 24 (recognizing as distinct from the categorical effect of a *Glomar* response the *SafeCard* line of authority "support[ing] the second privacy interest—protecting the contents of any investigatory records through individual withholdings and redactions"). DEA will justify its withholdings as may be necessary at the time the parties file renewed motions for summary judgment and submits that it would be premature at this time for the Court to direct DEA to provide a *Vaughn* index and/or supporting declaration as Plaintiff appears to request in paragraph 9 below. *See Khan v. Dep't of Homeland Sec.*, Case No. 22-2480 (TJK), Minute Order (Nov. 26, 2024) (rejecting plaintiffs' request that the government defendants provide a Vaughn index in advance of their motion for summary judgment); *accord CREW v. Fed. Election Comm'n*, 711 F.3d 180, 187 n.5 (D.C. Cir. 2013) (prior to seeking a judicial determination of a withholding's propriety, "[a]n agency is not required to produce a *Vaughn* index—which district courts typically rely on in adjudicating summary judgment motions in FOIA cases"); *Schwarz v. Dep't of Treasury*, 131 F. Supp. 2d 142, 147 (D.D.C. 2000), *aff'd*, No. 00-5453, 2001 WL 674636 (D.C. Cir. May 10, 2001) ("The requirement for detailed declarations and

Vaughn indices is imposed in connection with a motion for summary judgment filed by a defendant in a civil action pending in court.").

4. DEA and FBI disagree with the various other assertions made by Plaintiff below, and will address them at an appropriate time should the Court so request, but it is Defendants' view that a Joint Status Report is not the place to litigate such matters or to burden the Court prematurely with matters that may not ultimately demand the Court's attention. Defendants note, however, that Plaintiff's demands for immediate productions of records would contravene Congress's and the Supreme Court's judgment that exempt material should be withheld, and the immediate releases Plaintiff seeks would not allow sufficient time for proper review and withholding of exempt material. *See Food Mktg. Inst. v. Argus Leader Media*, 588 U.S. 427, 439 (2019) ("FOIA expressly recognizes that 'important interests [are] served by [its] exemptions,' and '[t]hose exemptions are as much a part of [FOIA's] purpose[s and policies] as the [statute's disclosure] requirement.' So, just as we cannot properly expand Exemption 4 beyond what its terms permit, we cannot arbitrarily constrict it either by adding limitations found nowhere in its terms." (citations omitted)). Further, Plaintiff's demand for preferential treatment, without regard for other requesters who likewise are awaiting a response, would be unfair to others and should not be entertained. *See Open Am. v. Watergate Special Prosecution Force*, 547 F.2d 605, 615-16 (D.C. Cir. 1976) (to ensure fairness amongst requesters, courts should not enable plaintiffs to "gain[] access to Government records ahead of prior applicants for information" unless "a genuine need and reason for urgency" is shown by the plaintiff, for "Congress intended to guarantee access to Government agency documents on an equal and fair basis").

Plaintiff's Position

5. Defendant FBI's lack of any production and Defendant DEA's production of 50 pages laced with (b)(6) and (b)(7)(C) redactions related to deceased individuals, with 172 pages withheld and 0 pages mentioning Bola Tinubu or Abiodun Agbele, is manifestly unreasonable. Defendants FBI and DEA appear to be in deliberate violation of this Court's clear April 8, 2025 Order to "search for and produce non-exempt records responsive to plaintiff's FOIA requests (FBI Requests Nos. 1588244-000 and 1593615-000, and DEA Request Nos. 22-00892-F and 24-00201-F)." ECF No. 47.

6. While the Court's Order at ECF No. 47 for some reason does not list all of Plaintiff's FBI and DEA FOIA request numbers at issue in the Second Amended Complaint, ECF No. 35, "Bola Ahmed Tinubu" is explicitly referenced in DEA Request No. 22-00892-F, ***which is listed in the Court's Order at ECF No. 47***. Four months after that Order issue, ***Plaintiff has still received nothing about Tinubu from Defendant DEA***.

7. The Court's declination to set a concrete timeline for Defendants FBI and DEA to respond with substantive document production has led to months more of wasted time as Defendants FBI and DEA drag their heels.

8. Plaintiff intends to file a motion to unseal any federal criminal dockets and associated records in which Bola Tinubu or Abiodun Agbele are named as defendants.

9. This Court should order Defendant FBI to begin production immediately and order Defendant DEA to justify its withheld pages and unexplained delay in document processing given DEA's representation that "DEA is in the process of reviewing additional records for future productions," or in the alternative, to produce all responsive documents immediately.

10. Although there may be "10,000 pending FOIA requests" in the FBI's backlog, the FBI has plenty of "resources" at its disposal and it is highly dubious that those other requests were all made *before* Plaintiff's requests, nor does Defendant FBI clarify in this status update where Plaintiff's request is in its FOIA queue.

11. To the extent that Defendant FBI's "resources" are in fact "limited," Plaintiff's rights under FOIA are being adversely affected by brazen corruption within the United States Department of Justice and Defendant FBI from the Attorney General of the United States down to the lowest levels, and the Court should order the allocation of agency resources to work on behalf of Donald Trump in his personal capacity to stop immediately. *See The New York Times*, "How a Frantic Scouring of the Epstein Files Consumed the Justice Dept." by Adam Goldman and Alan Feuer, July 24, 2025, https://www.nytimes.com/2025/07/24/us/politics/epstein-files-trump-bondi-justice-department-fbi.html (noting "During the inquiry, Justice Department officials diverted hundreds of F.B.I. employees and federal prosecutors from their regular duties to go through the documents at least four times — including once to flag any references to Mr. Trump and other prominent figures.").

12. It remains difficult to believe that FBI and DEA did not *already* conduct searches for responsive records regarding Bola Tinubu before April 8, 2025 since they had to know which records to exclude from the related searches that records were produced on. Furthermore, even if an explicit search for Bola Tinubu was not previously conducted, Defendants FBI and DEA could still, at minimum, immediately produce records involving Bola Tinubu that were previously actively excluded from the related document productions in this action—they just choose not to because they view the FOIA statute as optional.

13. Plaintiff further states that to the extent the Court agrees to allow Defendant FBI months beyond what it previously claimed to need in order to "search" for responsive documents, it should not allow Defendant FBI *additional* months *beyond that* to begin document production. Nor should there be any need for "interim" responses after such a generous extra-long search period *years* after Plaintiff's FOIA requests were initially filed. Defendant FBI should simply produce all of its responsive documents regarding Bola Tinubu, now, and it is fully capable of doing so.

14. Plaintiff further states that Defendants FBI and DEA are playing politics with this litigation and are deliberately delaying production as a favor to the sitting President of Nigeria. This Court should not encourage such gamesmanship.

15. Plaintiff further states that Defendants should be ordered to produce documents electronically via the internet instead of via CD-ROM, which is inherently slower and more expensive for the government—yet has been Defendants' preferred method of production for some reason.

16. Plaintiff also states that he intends to request his costs (the filing fee of $402.00 and $38.22 for Certified Mail postage, for a total of $440.22).

Date of Next Proposed Status Report

17. Defendants propose the submission of a further joint status report on or before September 17, 2025,[1] to apprise the Court as to the status of processing and production, whereas Plaintiff proposes the next status report should be filed on or before September 1, 2025.

[1] Undersigned counsel for the government notes that September 1, 2025, the date proposed by Plaintiff, is a federal holiday. Separately, in the event the Court does not adopt the September 17, 2025 date proposed by the government, counsel notes that he has longstanding plans to be out-of-the office for a personal family commitment out-of-state from September 4, 2025 through

Dated: August 7, 2025

By: */s/Aaron Greenspan*
Aaron Greenspan
956 Carolina Street
San Francisco, CA 94107-3337
Telephone: 415-670-9350
Email: aaron.greenspan@plainsite.org

Plaintiff

JEANINE FERRIS PIRRO
United States Attorney

By: */s/ Jeremy S. Simon*
JEREMY S. SIMON, D.C. Bar #447956
Assistant United States Attorney
601 D Street, N.W.
Washington, District of Columbia 20530
(202) 252-2528

Attorneys for the United States of America

September 7, 2025 and possibly September 8, 2025. Counsel respectfully requests that the Court take that existing conflict into account in the scheduling of the next status report date.