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8
9 UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

10 KENNETH ALLEN,
11 Plaintiff,

12 v.

13 DEPARTMENT OF HOMELAND
14 SECURITY and U.S. DEPARTMENT OF
STATE, *et al.*,
15 Defendants.

09-CV-00373-TUC-FRZ

JOINT STATUS REPORT

16
17 In accordance with the Court's February 8, 2010 Order, the parties hereby submit a
18 status report regarding this action.

19 1. NATURE OF THE CASE

20 This case is a Freedom of Information Act ("FOIA") action, by which Plaintiff seeks
21 documents alleged to be in the custody of the Department of State and the Citizenship and
22 Immigration Service ("USCIS"). Alleged documents at issue include private passport, travel,
23 and other records relating to President Barack Obama (and/or to "Barry Soetoro"), his
24 mother, Stanley Ann Dunham, and his mother's former husband, Lolo Soetoro.

25 2. FACTUAL AND LEGAL ISSUES IN DISPUTE

26 By Order dated January 29, 2010 [Dkt. #27], the Court has dismissed all claims
27 regarding alleged documents concerning President Obama (and/or to "Barry Soetoro"). The
28

1 remaining claims concern requests for documents concerning Dunham and Lolo Soetoro. As
2 to these documents, the parties anticipate that once the defendant agencies have completed
3 processing of these requests, the claims either will be voluntarily dismissed by Plaintiff or
4 addressed via summary judgment briefing.

5 3. JURISDICTIONAL BASIS

6 This court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B).

7 4. PARTIES WHO HAVE NOT BEEN SERVED OR MADE AN APPEARANCE

8 All remaining parties have been served (prior putative parties John Does 1-49 have
9 been dismissed by the Court).

10 5. PARTIES NOT SUBJECT TO THE COURT'S JURISDICTION

11 None.

12 6. DISPOSITIVE OR PARTIALLY DISPOSITIVE MOTIONS

13 The parties anticipate filing motions for summary judgment.

14 7. REFERENCE TO ARBITRATION, TO A MASTER, OR TO A MAGISTRATE AT
15 TRIAL

16 At this time, the parties do not believe that this case is suitable for reference to
17 arbitration, to a master, or a magistrate for trial.

18 8. RELATED CASES

19 There are no pending related cases.

20 9. INITIAL DISCLOSURE

21 Because discovery is generally not available in FOIA actions, the parties suggest that
22 initial disclosures are not warranted in this matter.

23 10. SUGGESTED LIMITATIONS ON DISCOVERY

24 *Defendants:* Discovery should not take place in this matter.

25 *Plaintiff:* Plaintiff reserves a right to seek further discovery. Plaintiff would like to
26 reserve that decision until the defendants have released all the documents they intend to. At
27 this time the Plaintiff is at a disadvantage not having enough information to form an opinion.

1 If the documents released provided the information responsive to Plaintiff's FOIA requests
2 there would be no further need for discovery. If at a later date uncertain Plaintiff feels that a
3 deposition would be helpful from Maya Soetoro, the Plaintiff would reserve that right.
4 Chances are that won't happen, but Plaintiff doesn't have enough information to form an
5 opinion as to that matter.

6 11. PROPOSED DEADLINES

7 Defendants anticipate that the searches will be complete on or before June 30, 2010.
8 Accordingly, the parties suggest the following proposed deadlines for summary judgment
9 briefing:

10	Defendants' Motion for Summary Judgment:	August 5, 2010
11	Plaintiff's Opposition:	August 26, 2010
12	Defendants' Reply	September 9, 2010

13 12. ESTIMATED DATE AND LENGTH OF TRIAL

14 None.

15 13. JURY TRIAL REQUEST

16 None.

17 14. PROSPECTS FOR SETTLEMENT

18 As to the Dunham and Lolo Soetoro records, the parties anticipate that settlement may
19 be possible after processing has completed and Plaintiff has reviewed the documents
20 released, if any. The parties do not anticipate settling disputes concerning President Obama
21 (and/or "Barry Soetoro").

22 15. UNUSUAL OR COMPLEX PROBLEMS

23 This case does not involve any unusual or complex issues.

24 16. ADDITIONAL MATTERS

25 None.

1 I, Brigham Bowen, by signing below, certify pursuant to Paragraph II(C)(3), District
2 of Arizona ECF Administrative Policies and Procedures Manual (April 3, 2006) that the
3 content of this Joint Status Report is acceptable to all registered signatories required to sign
4 it.

5
6 Dated: March 12, 2009

Respectfully submitted,

7 TONY WEST
Assistant Attorney General

8
9 s/ Kenneth Allen
KENNETH ALLEN
Plaintiff

ELIZABETH J. SHAPIRO
Deputy Branch Director

10 s/ Brigham J. Bowen
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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2010, I caused a copy of the foregoing Joint Status Report to be sent via first-class mail, postage pre-paid, to:

Kenneth L. Allen
10055 E. Gray Hawk Dr.
Tucson, AZ 85730

March 12, 2010

s/ Brigham J. Bowen