

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN EAKIN,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. SA-16-CV-0972
	§	
UNITED STATES DEPARTMENT OF DEFENSE,	§	
	§	
Defendant.	§	

JOINT STATUS REPORT

Plaintiff, John Eakin and Defendant, United States Department of Defense, hereby respectfully submit this Joint Status Report in the above matter:

1. On December 17, 2019, this Court ordered the parties to submit a Joint Status Report regarding the release of the remaining A-L Individual Deceased Personnel Files so that the Court may monitor the Defense Department’s compliance with its August 2, 2017 Order (EFC Nos. 54 and 30, respectively).

2. The parties’ were granted an extension for the Joint Status Report to February 17, 2020 (ECF Nos. 55 and 56).

3. In accordance with the Court’s June 5, 2019 Order (ECF No. 43), Defendant produced a hard drive containing 432 GB of data to Plaintiff on January 3, 2020. Among other files, this hard drive contained previously produced records for the past six years (2014-2019). On February 7, 2020, Plaintiff notified Defendant that that he believed there were files that have been previously produced that were not part of the January 3, 2020 production. Defendant is working with Plaintiff to collect additional information concerning this claim.

4. Defendant has identified 5,599 boxes of documents that contain the A-L Individual Deceased Personnel Files subject to the Court's August 2, 2017 Order. Defendant has reviewed and released 2,696 boxes of documents to Plaintiff. To date, Defendant has produced 2.123 terabytes of data to Plaintiff. Defendant has approximately 2,903 boxes of documents remaining for review. Currently, Defendant is reviewing files with the last name starting with "ES." These files have generally been produced in alphabetical order, but based on the volume of documents it is possible that documents already produced and documents to be produced in the future may not be in strict alphabetical order.

5. It is Plaintiff's position that the Court mandated that all files be released by February 1, 2021. It is Plaintiff's belief that Defendant will not be able to produce all of A-L files by February 1, 2021 at the current and proposed rate of file review.

6. According to the Court's Memorandum Opinion, the February 1, 2021 date was reached given the "Government's estimates and progress thus far." (ECF No. 29, 17). Defendant is diligently working to produce the documents in a timely manner. Defendant proposes the parties submit an additional Joint Status Report closer to the February 1, 2021 date.

7. Although there have been some exceptions based on employee turnover and hiring, Defendant has generally dedicated three employees to the project (two GS-9 employees and one GS-11 employee) for one hour per day, five times per week.

8. In accordance with the Court's June 5, 2019 Order (ECF No. 43), Defendant is working to convert previously scanned IDPFs into a searchable PDF format for production.

9. As discussed in Defendant's Response to Plaintiff's Motion for Summary Judgment, Na Ali'i Consulting & Sales, LLC is currently under contract to convert the remaining IDPFs into digital format. (ECF No. 48, 4). To date, that data conversion has not been completed.

DATED: February 14, 2020

Respectfully submitted,

JOHN F. BASH
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed via the Court's CM/ECF system on this 14th day of February, 2020, and that Plaintiff will receive a copy of same via the Court's CM/ECF system as follows:

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PRO SE

/s/ Jacquelyn M. Christilles
JACQUELYN M. CHRISTILLES
Assistant United States Attorney