

United States District Court  
Western District of Texas  
San Antonio Division

John Eakin,  
Plaintiff,

v.

United States Department Of Defense,  
Defendant.

No. SA-16-CV-00972-RCL

**Status Report**

The United States Department of Defense hereby respectfully submit this Status Report in the above matter:

1. On August 13, 2020, this Court ordered Defendant United States Department of Defense to submit a Status Report regarding the release of the remaining A-L Individual Deceased Personnel Files. EFC No. 66.

2. 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. ECF No. 30. In accordance with the Court's order, Defendant has made the following productions:

<b>Date</b>	<b>Size (Approximate)</b>		<b>File Count</b>	<b>Folders</b>
10/1/2017	712	GB	49,938	945
10/1/2017	108	GB	9,182	750
12/1/2017	104	GB	9,489	758
5/17/2018	288	GB	18,259	495
11/26/2018	327	GB	3,883	348
5/30/2019	514	GB	28,835	699
12/1/2019	379	GB	15,978	150
5/18/2020	16	GB	1,225	11
	<b>2,448</b>	GB	<b>136,789</b>	<b>4,156</b>
	<b>2.44</b>	TB		

3. On June 5, 2019 the Court ordered Defendant to produce documents as searchable PDFs going forward. ECF No. 43. Defendant has been diligently working to convert previously scanned IDPFs into a searchable PDF format for production. Due to technical issues, DPAA was unable to immediately convert all of the files to a searchable format. The U.S. Attorney's Office for the Western District of Texas attempted to convert the December 2019 production into a searchable PDF format prior to transmitting the files to Plaintiff, but was unable to convert all of the files.

4. On February 11, 2020, DPAA transmitted approximately 67,000 IDPFs in a searchable PDF format to the FOIA office for review. On August 26, 2020, DPAA completed digitization and conversion of the remaining IDPFs (the E-L files). Approximately 800 files failed to convert during the initial attempt, and were rescanned with only 35 failing to convert. These 35 files were rescanned again and all 35 files were converted. The converted files were shipped to the Army Human Resources Command Freedom of Information Act office ("FOIA office") for review on September 3, 2020 and were received by the FOIA office on September 9, 2020. This file conversion caused a delay in review of the files by the FOIA office.

5. Due to the global COVID-19 pandemic, personnel with the FOIA office are working remotely. Prior to the pandemic, the FOIA office received authorization to add 10 terabytes of addition space to its shared drives to accommodate the IDPFs. This would have allowed multiple personnel to access and review the files simultaneously. The upgrade did not occur before personnel transitioned to a remote work posture due to COVID-19.

6. Unfortunately, given the large number of records, laptops for the assigned personnel do not have enough space to hold all records requiring review by the Army FOIA office,

to include the A-L IDPFs. As such, only one individual has the A-L IDPFs on an external hard drive for review. This reviewer has reviewed 350 IDPFs since the last production in June and hopes to review 6,000 by the end of November 2020.

7. The FOIA office estimates there are 218,466 IDPFs left to review. Those files encompass 2.59 TB of data. Once FOIA office personnel reintegrate back into the physical work space, three personnel will once again be able to review the IDPFs. Given that the FOIA office has already received approval for additional shared drive space for the files, this will allow simultaneous review. At the present time, the FOIA office is unable to provide a date when personnel will return to the physical work space.

8. Defendant will not be able to produce all of A-L files by February 1, 2021 at the current rate of file review. 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. Unfortunately, the requirement to convert the files into a searchable format and the global pandemic have caused unforeseen delays in the review and production of these documents. Defendant will continue to diligently work to produce the documents in a timely manner.

DATED: September 28, 2020

Respectfully submitted,

**John F. Bash**  
United States Attorney

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**Attorneys for Defendant**

**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 28th day of September 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**  
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