

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL STUDENT LEGAL DEFENSE NETWORK,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 18-1673 (TJK)
)	
UNITED STATES DEPARTMENT OF EDUCATION,)	
)	
Defendant.)	
_____)	

JOINT STATUS REPORT

Pursuant to the Court’s October 22, 2018 Minute Order, the parties, Plaintiff National Student Legal Defense Network (“NSLDN”) and Defendant U.S. Department of Education (“ED”), by and through undersigned counsel, file this joint status report in this case brought under the Freedom of Information Act (“FOIA”).

Since the parties October 19, 2018 Joint Status Report, the parties have conferred and continue to attempt to reach agreement to prioritize production and to attempt to narrow/potentially resolve the issues in dispute.

On March 21, 2018 NSLDN requested:

- A copy of every letter of credit currently held by the Department that has been posted by, or on behalf of, any institution participating in one or more Title IV, HEA programs” (hereinafter “Request 1”); *and*
- A copy of every communication from the Department wherein the Department requested or demanded an institution to post a letter of credit that is currently held by the Department” (hereinafter “Request 2”).

NSLDN's FOIA Submission also stated that "[t]o the extent this request is unduly burdensome on the Department, . . . NSLDN would be willing to accept a detailed log in lieu of the documents themselves," as long as the log contained certain information.

In late October 2018, the Department posted a detailed log of the letters of credit ("LOCs") held by the Department in 2016. The Department also informed NSLDN that it plans to provide a similar log of LOCs held by the Department in 2017, but would not be able to do so until summer 2019. (It had previously suggested that the 2016 log would be available in summer 2018, but encountered delays in data validation that prevented it from posting the log until late October 2018.) The Department has informed NSLDN that it believes a search for the LOCs currently held by the Department is unduly burdensome in that it cannot be completed within the FOIA statutory deadline. Instead, the Department plans to continue to post detailed logs of the LOCs it holds, but with a two-year delay to complete the search/validation process. The Department has had extended communications with Plaintiff explaining in detail the unique data collection and validation process that underlies the extended search timeframe.

In an effort to prioritize production, NSLDN requested LOCs currently held by the Department from several different entities. The Department responded to NSLDN's request on Wednesday, November 14, 2018 by stating the following:

- Dream Center – no active LOCs are on file. The last three LOCs expired 5/31/18.
- InfiLaw – there are no LOCs on file.
- Bridgepoint – there are no LOCs on file.
- Education Corporation of America – no active LOCs on file. The last LOC on file expired on 3/31/17.
- Career Education Corporation – no active LOCs on file.

The discussions between the parties are ongoing. Accordingly, the parties propose that they file a further Joint Status Report in 30 days, *i.e.*, on or before December 19, 2018.

Dated: November 19, 2018

Respectfully submitted,

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