

categories of documents—the TEC meeting minutes discussing Plaintiff and her medical and psychological records contained in the Federal Bureau of Prison’s Bureau Electronic Medical Records System (“BEMR”), from 2019 to the present. These documents include Plaintiff’s medical, social, and psychological history and ongoing data and related information records. The following day, Defendants produced to Plaintiff documents responsive to the second category of documents—administrative records concerning Plaintiff that may have been considered by the TEC. Defendants have produced 886 pages of documents in the last 48 hours.

However, it will be impossible to complete production of the fourth category of documents encompassed by the Court’s October 15, 2021 order by Tuesday’s evidentiary hearing. In particular, compliance with the fourth category of documents requires electronic custodial searches of a number of BOP employees, and the initial collection efforts resulted in hundreds of thousands of pages of emails. Although a preliminary review of the collection indicates that a substantial proportion—and likely a large majority—of these documents are either privileged or non-responsive, additional time will be necessary to de-duplicate the collection, review the documents for responsiveness and privilege, and redact any security sensitive information or information related only to other inmates. Accordingly, the review effort for responsive, non-privileged documents cannot be completed by tomorrow’s preliminary injunction hearing.

Defendants therefore respectfully request relief from this aspect of the Court’s October 15 Order to the extent it requires complete compliance by the date of the hearing, and that the Court permit the production of responsive, non-privileged documents after the October 19, 2021 evidentiary hearing. Defendants propose updating the Court on the status of their review and production efforts by Friday, October 22, 2021. To avoid any potential prejudice to Plaintiff, Defendants would agree to keep the preliminary injunction hearing record open for a period of two

weeks after Defendants complete their production to permit Plaintiff to submit any additional information received as a result of Defendants' production.

Dated: October 18, 2021

Respectfully submitted,

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