

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

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	Civil Action No. 13-cv-1363 (EGS)
)	
v.)	
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	

**PLAINTIFF’S RESPONSE TO
DEFENDANT’S RECENT FILINGS**

Plaintiff Judicial Watch, Inc., by counsel, respectfully submits this response to Defendant’s August 6, 2015 Notice of Filing, its August 7, 2015 Status Report, and its August 10, 2015 Status Report:

1. Neither the Court nor Plaintiff is any closer to knowing where responsive records may exist.
2. Both Mrs. Clinton and Ms. Mills state that they do not know what records would be responsive to Judicial Watch’s FOIA request. Therefore, it is of the utmost importance that all federal records in the possession of Mrs. Clinton, Ms. Abedin, and Ms. Mills be returned to Defendant to enable Defendant to conduct a search reasonably calculated to uncover all responsive records.
3. Although Mrs. Clinton filed a declaration under penalty of perjury, many issues remain unresolved. It is still unknown whether Mrs. Clinton has returned to Defendant all emails on clintonemail.com in which she conducted official government business. Mrs. Clinton’s declaration only identifies the fact that she directed all potential federal records to be

returned to Defendant. She does not identify who she directed to return such records to Defendant. Nor does she identify the process and criteria by which the unnamed individual was to search for, review, and return to Defendant all potential federal records.

4. There also is no evidence whatsoever that all responsive information that was or is in her possession was returned to Defendant. Mrs. Clinton did not identify whether she used any email server besides clintonemail.com. Nor did she identify whether she has returned to Defendant all of Ms. Abedin's emails on clintonemail.com in which Ms. Abedin conducted official government business.

5. Ms. Abedin and Ms. Mills entirely ignored the Court's order. Neither Ms. Abedin nor Ms. Mills confirmed, under penalty of perjury, that they have returned all responsive information that was or is in their possession. Nor did they describe, under penalty of perjury, the extent to which they used Mrs. Clinton's email server to conduct official government business.

6. With respect to Ms. Abedin, there is no evidence at all that she has returned all responsive information that was or is in her possession. Nor is there any evidence that either Mrs. Clinton or Ms. Abedin has returned any of the emails on clintonemail.com in which official government business was conducted by Ms. Abedin. Nor is there any evidence identifying who has possession of such records. Nor has Ms. Abedin identified whether she used any other email servers to conduct official government business.

7. With respect to Ms. Mills, there is no evidence whatsoever that she has returned all responsive information that was or is in her possession. Since Ms. Mills purportedly did not

use clintonemail.com, it is important to know what email server she used other than Defendant's email server to conduct official government business.

8. Along with its August 6, 2015 Notice of Filing, Defendant filed additional letters that it sent to Ms. Abedin and Ms. Mills on July 31, 2015. These letters requested that Ms. Abedin and Ms. Mills "now take steps to return all copies of potential federal records in [their] possession . . . as soon as possible" and that they provide electronically stored records in "original/native electronic format with the associated metadata." Based on the entire record, it appears that Defendant has not requested Mrs. Clinton take similar steps to return all copies of potential federal records in her possession as soon as possible and to provide electronically stored records in their original/native electronic format with the associated metadata.

9. Because of these aforementioned omissions and the fact that Defendant will not identify until August 14, 2015 any and all servers, accounts, hard drives, or other devices currently in the possession or control of the State Department or otherwise that may contain responsive information, it is still unknown whether Defendant has requested Mrs. Clinton, Ms. Abedin, and Ms. Mills return to Defendant all records or systems of records that may contain information responsive to Plaintiff's FOIA request.

Dated: August 10, 2015

Respectfully submitted,

/s/ Michael Bekesha
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