

**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 SEPTEMBER 21, 2015 STATUS REPORT**

Plaintiff Judicial Watch, Inc., by counsel, respectfully submits this response to Defendant’s September 21, 2015 Status Report:

1. Plaintiff does not oppose the proposed date of October 26, 2015 for the State Department to identify the volume of potentially responsive records located in the State Department offices and agency records systems that were initially searched as well as in the records recently returned by Ms. Abedin and Ms. Mills. Nor does Plaintiff oppose the State Department proposing a supplemental production schedule at that time.

2. Based on the State Department’s representations, it does not appear that this case will interfere in any way with the investigation by the State Department Office of the Inspector General. Nor does it appear that any forthcoming reports by the Inspector General will assist in the resolution of this case. The investigation appears to focus more generally on email policies and procedures of the past five secretaries of the State Department. It does not appear to focus on whether any additional records that are potentially responsive to Plaintiff’s FOIA request exist and, if so, where they may be located.

3. We still do not know whether the FBI – or any other government agency for that matter – has possession of the email server that was used by Mrs. Clinton and Ms. Abedin to conduct official government business during their four years of employment at the State Department.

4. We also do not know whether the server purportedly in the possession of the FBI – an assumption based on unsworn statements by third parties – is the actual email server that was used by Mrs. Clinton and Ms. Abedin to conduct official government business during their four years of employment at the State Department or whether it is a copy of such an email server. Nor do we know whether any copies of the email server or copies of the records from the email server exist.

5. A Status Hearing is currently scheduled for October 1, 2015. Because one month has gone by and we are no closer to knowing whether any additional records that are potentially responsive to Plaintiff's FOIA request exist and, if so, where they may be located, Plaintiff requests that the Court advance the scheduled hearing to this week to discuss how the necessary information can be gathered and move this case closer towards resolution.

Dated: September 21, 2015

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha
JUDICIAL WATCH, INC.
425 Third Street S.W., Suite 800
Washington, DC 20024
(202) 646-5172

Counsel for Plaintiff Judicial Watch, Inc.