

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

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

**PLAINTIFF JUDICIAL WATCH’S RESPONSE TO
THE COURT’S FEBRUARY 23, 2016 ORDER**

Pursuant to the Court’s February 23, 2016 Order, Plaintiff Judicial Watch states:

1. Attached as Exhibit A is Plaintiff’s proposed discovery plan.
2. Judicial Watch is only aware of one pending motion for discovery related to the use of the clintonemail.com system by Mrs. Clinton and at least one other former State Department employee to conduct official government business. That motion was filed in *Judicial Watch, Inc. v. U.S. Department of State*, Case No. 14-cv-01242-RCL before Judge Lamberth and has been fully briefed as of October 2, 2015. Judicial Watch has no reason to dispute Defendant’s assertion that two other motions for discovery have been filed in cases in which Judicial Watch is not a party.

Dated: March 15, 2016

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha (D.C. Bar No. 995749)
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Counsel for Plaintiff Judicial Watch, Inc.

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
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U.S. DEPARTMENT OF STATE,)	
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Defendant.)	

PLAINTIFF JUDICIAL WATCH’S PROPOSED DISCOVERY PLAN

Pursuant to the Court’s February 23, 2016 Order, Plaintiff submits this proposed discovery plan:

1. Plaintiff intends to depose the following individuals:
 - A. Stephen D. Mull (Executive Secretary of the State Department from June 2009 to October 2012 and suggested that Mrs. Clinton be issued a State Department BlackBerry, which would protect her identity and would also be subject to FOIA requests);
 - B. Lewis A. Lukens (Executive Director of the Executive Secretariat from 2008 to 2011 and emailed with Patrick Kennedy and Cheryl Mills about setting up a computer for Mrs. Clinton to check her clintonemail.com email account);
 - C. Patrick F. Kennedy (Under Secretary for Management since 2007 and the Secretary of State’s principal advisor on management issues, including technology and information services);
 - D. Donald R. Reid (Senior Coordinator for Security Infrastructure, Bureau of Diplomatic Security since 2003 and was involved in early discussions about Mrs. Clinton using her BlackBerry and other devices to conduct official State Department business);
 - E. 30(b)(6) deposition(s) of Defendant regarding the processing of FOIA requests, including Plaintiff’s FOIA request, for emails of Mrs. Clinton and Ms. Abedin both during Mrs. Clinton’s tenure as Secretary of State and after;

- F. Cheryl D. Mills (Mrs. Clinton's Chief of Staff throughout her four years as Secretary of State);
- G. Huma Abedin (Mrs. Clinton's Deputy Chief of Staff and a senior advisor to Mrs. Clinton throughout her four years as Secretary of State and also had an email account on clintonemail.com); and
- H. Bryan Pagliano (State Department Schedule C employee who has been reported to have serviced and maintained the server that hosted the "clintonemail.com" system during Mrs. Clinton's tenure as Secretary of State).

2. Plaintiff intends to conduct these depositions within eight weeks of the Court's order on Plaintiff's proposed discovery plan.

3. Based on information learned during discovery, the deposition of Mrs. Clinton may be necessary. If Plaintiff believes Mrs. Clinton's testimony is required, it will request permission from the Court at the appropriate time.

4. To the extent that the above-identified individuals have not already provided the information, Plaintiff will request permission from the Court to conduct 30(b)(6) deposition(s) of Defendant concerning:

- A. the creation or establishment of the clintonemail.com system as well as any maintenance, service, or support provided by the State Department of that system;
- B. the knowledge or awareness of State Department officials and employees about the existence and use of the clintonemail.com system;
- C. any instructions or directions given to State Department officials and employees about communicating with Mrs. Clinton and Ms. Abedin via email;
- D. any inquiries into Mrs. Clinton's use of the clintonemail.com system as well as any discussions about responding to such inquiries or publicly revealing the existence and use of the clintonemail.com system to the public; and
- E. the inventorying or other accounting of Mrs. Clinton's and Ms. Abedin's email upon their departure from the State Department.

5. Plaintiff also intends to submit the following interrogatories to Defendant to assist Plaintiff in identifying key individuals responsible for specific functions at the State Department:

- A. Who was responsible for processing and/or responding to record requests, including FOIA requests, concerning emails of Mrs. Clinton and other employees of the Office of the Secretary;
- B. Who was responsible for the inventorying or other accounting of Mrs. Clinton's and Ms. Abedin's emails, records, and information;
- C. Who was responsible for responding to Plaintiff's FOIA request from the date of submission to the present; and
- D. Which State Department officials and employees had and/or used an account on the clintonemail.com system to conduct official government business.

6. Plaintiff requests that the Court shorten the time period for Defendant to respond to Plaintiff's interrogatories to 10 days.

7. To the extent that the individuals identified in response to Plaintiff's interrogatories have not already been deposed, Plaintiff will request permission from the Court to depose such individuals, if Plaintiff determines their testimony to be necessary.

Dated: March 15, 2016

Respectfully submitted,

/s/ Michael Bekesha
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