

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

JUDICIAL WATCH, INC.

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Civil Action No. 15-cv-692 (APM)

DEFENDANT’S STATUS REPORT

Defendant Department of State (“State”) submits this status report to (1) update the Court on its search for records potentially responsive to FOIA Request 1 among information transferred from the Federal Bureau of Investigation (“FBI”) to State, and (2) propose a production schedule for the non-exempt portions of responsive documents subject to FOIA.

1. FOIA Request 1 seeks “[a]ny and all emails of former Secretary of State Hillary Rodham Clinton concerning, regarding, or relating to the September 11, 2012 attack on the U.S. Consulate in Benghazi, Libya.” Complaint ¶ 5 (ECF No. 1). To date, State has produced to Plaintiff, via its FOIA web site and via email, a total of 343 documents responsive to FOIA Request 1, with redactions as appropriate.

2. In previous filings, State reported that the FBI sent a letter to State indicating that the FBI would be providing to State certain information that may include its agency records. State’s Mot. to Vacate Briefing Schedule ¶ 2 (ECF No. 33). State further reported that it had, in the interest of reducing the issues to be litigated, agreed to conduct searches of the information being transferred from the FBI to State for records responsive to FOIA Request 1, notwithstanding that they were not in State’s possession and control at the time the FOIA request

was made. *Id.* ¶ 3. State further reported that the FBI completed the transfer of information to State on August 5, 2016. Def. Status Report ¶ 3 (ECF No. 34).

3. As of the date of this filing¹, State has loaded all but one of the eight discs provided by the FBI into a document management system and searched them using key word search terms and the date range specified in the FOIA request. State has determined that the one disc that remains to be loaded is not reasonably likely to contain additional responsive records.²

4. State is currently working to determine whether any of the documents that satisfied the search terms are agency records responsive to Plaintiff's FOIA request. It must then review those documents to determine what, if any, exempt information must be withheld from the responsive documents. Accordingly, State proposes a rolling production schedule, under which State would make its first production of any non-exempt responsive records subject to FOIA on September 30, 2016, and complete production no later than October 31, 2016.

¹ In its August 9, 2016 status report, State noted its expectation that it would complete the uploading of the discs no later than August 12, 2016. That estimate, however, was formed just days after receiving the discs from the FBI and turned out to be overly ambitious. State now anticipates completing the uploading process by August 26, 2016.

² This disc contains the collection of documents previously returned to the State Department by former Secretary Clinton, which has already been reviewed by the State Department and posted on its FOIA website. State is currently working to verify that all of the documents on this disc are in fact duplicative of those previously reviewed by State and searched for records responsive to this case.

Dated: August 23, 2016

Respectfully submitted,

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ELIZABETH J. SHAPIRO
Deputy Director

/s/ Robert J. Prince

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