

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

No. 1:13-cv-772 (CKK)

**SUPPLEMENTAL JOINT STATUS REPORT**

The parties to this Freedom of Information Act (“FOIA”) matter, by counsel, respectfully submit for the Court’s consideration the following Joint Status Report in response to the Court’s Minute Order dated October 21, 2013.

**BACKGROUND**

Judicial Watch, Inc., mailed a FOIA request to the U.S. Department of State (“Department”) on May 2, 2011, seeking the following records:

- Any and all SF-50s for Mrs. Hillary Rodham Clinton;
- Any and all SF-85s and/or 85Ps for Mrs. Clinton;
- Any and all SF 86s for Mrs. Clinton;
- Any and all SF-450s for Mrs. Clinton;
- Any and all certificates of divestiture for Mrs. Clinton;
- Any and all individual waivers issued to or for Mrs. Clinton pursuant to 18 U.S.C. § 208(b)(1) and 5 C.F.R. § 2640.301 or any other applicable ethics statutes, regulations, or agreements;
- Any and all communications and records of communications—including but not limited to phone logs—related to Mr. Clinton’s speech schedule; and

- Any and all communications and records of communications—including but not limited to e-mails, fax reports, and phone logs—related to former Mr. Clinton’s personal or charitable financial relationships with foreign leaders and governments.

*See* Compl. ¶ 5, ECF No. 1. The Department acknowledged receipt of the request on May 17, 2011, assigning it Case Control Number 201103401. The Department entered the request into its queue of FOIA requests and had begun processing this request when Judicial Watch filed suit on May 28, 2013. The Department answered the complaint on August 12, 2013. *See* Answer, ECF No. 9.

#### STATUS OF THE REQUEST

The Department conducted searches of components it determined were reasonably likely to maintain responsive records. Out of an abundance of caution and in an effort to limit the need for additional briefing in this particular case, the Department has determined that it will conduct a supplemental search of additional email accounts within the Office of the Executive Secretariat (“Executive Secretariat Emails”).

Additionally, plaintiff recently inquired about the emails provided by former Secretary Clinton to the Department of State. Given the considerable public interest generally in the emails provided by former Secretary Clinton to the Department of State (“Former Secretary Clinton Emails”), the Department of State plans to review the collection for public release, consistent with the FOIA, and to make the documents available to the public by posting them on a Department website. This will make the maximum number of records available in the shortest amount of time, and will be considerably more efficient than reviewing the documents piecemeal in response to subject-specific FOIA requests. Once the collection has been posted, the Department will search it for records responsive to plaintiff’s request.

Defendant has needed a significant amount of time to process records responsive to plaintiff's FOIA request and to determine which documents are responsive and what portions of the documents are exempt from release under the FOIA. Among other things, some of the potentially responsive information is protected from disclosure by statute, and some has required consultation with third parties.

The parties agreed that the Department would begin rolling productions of material that it determines to be releasable 60 days after entry of the Court's August 23, 2013 Minute Order. To the extent the material in question has been releasable under the FOIA, the Department began releasing non-exempt documents and portions thereof on October 21, 2013, and has continued making releases responsive to plaintiff's FOIA request on a rolling basis every six weeks thereafter. The Department's most recent release occurred on March 23, 2015. As stated above, the Department anticipates performing a supplemental search of the Executive Secretariat Emails.

#### SCHEDULE

There may or may not be a need for summary judgment briefing in this case. If such a need arises, the parties will submit a proposed briefing schedule. In the meantime, the parties are prepared to file an additional supplemental joint status report on or before 90 days after entry of the Scheduling Order. A proposed Scheduling Order accompanies this Joint Status Report.

Dated: March 23, 2015

Respectfully submitted,

JUDICIAL WATCH, INC.

/s/ Jason Aldrich

JASON ALDRICH

D.C. Bar No. 495488

Suite 800

425 Third St, S.W.

Washington DC 20024

(202) 646-5172

[jaldrich@judicialwatch.org](mailto:jaldrich@judicialwatch.org)

Attorney for Plaintiff

BENJAMIN C. MIZER

Acting Assistant Attorney General

RONALD C. MACHEN

United States Attorney

ELIZABETH J. SHAPIRO

Deputy Director

Civil Division

/s/ James D. Todd, Jr.

JAMES D. TODD, Jr.

Senior Counsel

U.S. DEPARTMENT OF JUSTICE

Civil Division, Federal Programs Branch

Washington, D.C. 20001

(202) 514-3378

[james.todd@usdoj.gov](mailto:james.todd@usdoj.gov)

Attorneys for Defendant