

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

**Civil Action No. 1:12-cv-2034
(RBW)**

**JOINT MOTION TO REOPEN CASE UNDER
FEDERAL RULE CIVIL PROCEDURE 60(B)(2)**

In accordance with Fed. R. Civ. P. 60(b)(2), the United States Department of State (“Department”) and Judicial Watch, Inc., (“Plaintiff”) jointly move this Court to re-open the above-captioned case, which was dismissed with prejudice on November 7, 2014. Fed. R. Civ. P. 60(b)(2) permits a court to relieve a party from a final judgment due to newly discovered evidence. Under Fed. R. Civ. P. 60(c)(1), this motion must be made within one year of entry of judgment.

The above-captioned case relates to a request by Plaintiff under the Freedom of Information Act (“FOIA”) submitted to the Department seeking “[a]ll records concerning, regarding or related to the advertisement produced by the U.S. Embassy in Islamabad, entitled ‘A Message from the President of the United States Barack Obama and Secretary of State Hilary Clinton’ intended to air in Pakistan.” The Department searched for potentially responsive documents in twelve components, including the Office of the Secretary, reasonably expected to have responsive records. By October

2013, the Department had produced over 700 pages of records, many of which contained redactions. The Department also provided Plaintiff with a 27-page, 88-numbered paragraph Draft *Vaughn* index for certain redactions identified by Plaintiff.

Subsequently, in September 2014, following Plaintiff's review of the Draft *Vaughn* index, the Department provided additional information to Plaintiff as well as a nine-page, 17-numbered paragraph supplemental Draft *Vaughn* index. Following that production, the parties agreed to settle the case, and a stipulation of dismissal was filed on November 7, 2014.

In March 2015, media sources reported that former Secretary Clinton, and possibly other senior State Department officials, used non-"state.gov" email account to conduct government business. Thereafter, Plaintiff informed the Department that based on this information, which was previously unknown to Plaintiff, it would seek to reopen the case. Former Secretary Clinton provided the Department with approximately 55,000 pages of emails from her non-"state.gov" account. Based on the receipt of former Secretary Clinton's emails, the Department agreed to jointly file this motion to reopen the case. The Department is currently processing for public release the set of emails provided by former Secretary Clinton.

For the above-stated reason, the Court should re-open the case. The parties agree that once the case is re-opened, Plaintiff will not seek to amend the complaint nor will it challenge the any redactions to previously released documents. Once the Department has publicly posted the full set of agency records from the emails provided to the Department by former Secretary Clinton, Defendant will search the set for any records responsive to Plaintiff's FOIA request. The parties will then discuss the records and the search and will

determine if the matter can once again be informally resolved or if summary judgment briefing regarding the documents or the search is required.

Date: May 1, 2015

Respectfully submitted,

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

_____)	
JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:12-cv-02034-RBW
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	
_____)	

[PROPOSED] ORDER

Upon consideration of the parties' Joint Motion to Reopen Case Under Federal Rule Civil Procedure 60(b)(2), it is hereby ORDERED that the Motion is **GRANTED**.

SO ORDERED.

DATE: _____

The Hon. Reggie B. Walton, U.S.D.J.