

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	Civil Action No. 13-CV-1363 (EGS)
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
STATE,)	
)	
Defendant.)	
_____)	

DEFENDANT'S AUGUST 12, 2015 STATUS REPORT

On August 7, 2015, the Court directed the Government to request that former Secretary Clinton, Cheryl Mills, and Huma Abedin (i) not delete any federal documents, electronic or otherwise, in their possession or control, and (ii) provide appropriate assurances to the Government that they will not delete any such documents. The Court also directed the Government to inform the Court of the status of its compliance with this Order no later than August 12, 2015, including a copy of any such assurances provided by these individuals.

On August 10, 2015, the Department sent letters to former Secretary Clinton, Ms. Mills, and Ms. Abedin, through their respective attorneys, requesting that they not delete any federal documents, electronic or otherwise, in their possession or control, and provide appropriate assurances to the Government that they will not delete any such documents. Copies of the Department's letters to counsel for the former Secretary, Ms. Mills, and Ms. Abedin are attached hereto as Exhibits A, B, and C.

Today, August 12, 2015, the Department received responsive letters from Ms. Mills' counsel and former Secretary Clinton's counsel and a responsive email from Ms. Abedin's counsel. Copies of those documents are attached hereto as Exhibits D, E, and F.

Dated: August 12, 2015

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Director

/s/ Peter T. Wechsler
PETER T. WECHSLER (MA 550339)
Senior Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530
Tel.: (202) 514-2705
Fax: (202) 616-8470
Email: peter.wechsler@usdoj.gov
Counsel for Defendant

EXHIBIT A

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

AUG 10 2015

Mr. David E. Kendall, Esq
Williams & Connolly LLP
725 12th Street, NW
Washington, DC 20005

Dear Mr. Kendall:

I am writing to follow-up on the letter the Department sent dated August 5, 2015, and the emails you sent in response. In *Judicial Watch v. Department of State* (D.D.C. No. 13-cv-1363), Judge Sullivan has additionally ordered the Department to request that your client, former Secretary of State Hillary Clinton:

1. Not delete any federal documents, electronic or otherwise, in her possession or control;
2. Provide appropriate assurances to the Government that she will not delete any such documents.

A copy of the order is enclosed.

I would appreciate it if you would confirm receipt of this letter and respond to the above requests for information in writing as soon as possible. Please note that Judge Sullivan has directed the Department to inform the Court of the status of its compliance with the Order no later than August 12, 2015, including a copy of any assurances provided by former Secretary Clinton that she will not delete any federal documents in her possession or control.

Sincerely,



Patrick F. Kennedy

Enclosure

From: DCD_ECFNotice@dcd.uscourts.gov

[http://redirect.state.sbu/?url=mailto:DCD_ECFNotice@dcd.uscourts.gov]

Sent: Friday, August 07, 2015 7:33 PM

To: DCD_ECFNotice@dcd.uscourts.gov

Subject: Activity in Case 1:13-cv-01363-EGS JUDICIAL WATCH, INC. v. DEPARTMENT OF STATE Order

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 8/7/2015 at 7:33 PM and filed on 8/7/2015

Case Name: JUDICIAL WATCH, INC. v. DEPARTMENT OF STATE

Case Number: [1:13-cv-01363-EGS](https://ecf.dcd.uscourts.gov/caselist/1:13-cv-01363-EGS)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER. In view of [20] the Government's status report, the Court hereby directs the Government to request that Mrs. Hillary Clinton, Ms. Huma Abedin, and Ms. Cheryl Mills i) not delete any federal documents, electronic or otherwise, in their possession or control, and ii) provide appropriate assurances to the Government that the above-named individuals will not delete any such documents. The Government shall inform the Court of the status of its compliance with this Order no later than August 12, 2015, including a copy of any assurances provided by Mrs. Clinton, Ms. Abedin and Ms. Mills that they will not delete any federal documents in their possession or control. Signed by Judge Emmet G. Sullivan on August 7, 2015. (lcegs1)

1:13-cv-01363-EGS Notice has been electronically mailed to:

Paul J. Orfanedes porfanedes@judicialwatch.org, jwlegal@judicialwatch.org

Peter T. Wechsler peter.wechsler@usdoj.gov

Michael Bekesha mbekesha@judicialwatch.org, jwlegal@judicialwatch.org

1:13-cv-01363-EGS Notice will be delivered by other means to::

EXHIBIT B

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

AUG 10 2015

Ms. Beth A. Wilkinson
Paul, Weiss, Rifkind, Wharton & Garrett
2001 K Street NW
Washington, DC 20006-1047

Dear Ms. Wilkinson:

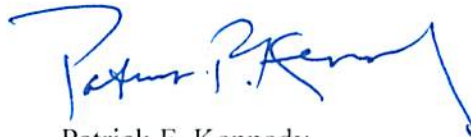
I am writing to follow-up on the letter the Department sent dated August 5, 2015, and the letter you sent in response. In *Judicial Watch v. Department of State* (D.D.C. No. 13-cv-1363), Judge Sullivan has additionally ordered the Department to request that your client, Ms. Cheryl Mills:

1. Not delete any federal documents, electronic or otherwise, in her possession or control;
2. Provide appropriate assurances to the Government that she will not delete any such documents.

A copy of the order is enclosed.

I would appreciate it if you would confirm receipt of this letter and respond to the above requests for information in writing as soon as possible. Please note that Judge Sullivan has directed the Department to inform the Court of the status of its compliance with the Order no later than August 12, 2015, including a copy of any assurances provided by Ms. Mills that she will not delete any federal documents in her possession or control.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick F. Kennedy", with a stylized flourish at the end.

Patrick F. Kennedy

Enclosure

From: DCD_ECFNotice@dcd.uscourts.gov

[http://redirect.state.sbu/?url=mailto:DCD_ECFNotice@dcd.uscourts.gov]

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MINUTE ORDER. In view of [20] the Government's status report, the Court hereby directs the Government to request that Mrs. Hillary Clinton, Ms. Huma Abedin, and Ms. Cheryl Mills i) not delete any federal documents, electronic or otherwise, in their possession or control, and ii) provide appropriate assurances to the Government that the above-named individuals will not delete any such documents. The Government shall inform the Court of the status of its compliance with this Order no later than August 12, 2015, including a copy of any assurances provided by Mrs. Clinton, Ms. Abedin and Ms. Mills that they will not delete any federal documents in their possession or control. Signed by Judge Emmet G. Sullivan on August 7, 2015. (lcegs1)

1:13-cv-01363-EGS Notice has been electronically mailed to:

Paul J. Orfanedes porfanedes@judicialwatch.org, jwlegal@judicialwatch.org

Peter T. Wechsler peter.wechsler@usdoj.gov

Michael Bekesha mbekesha@judicialwatch.org, jwlegal@judicialwatch.org

1:13-cv-01363-EGS Notice will be delivered by other means to::

EXHIBIT C

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

AUG 10 2015

Ms. Karen L. Dunn
Boies, Schiller & Flexner LLP
5301 Wisconsin Avenue, NW
Washington, DC 20015

Mr. Miguel E. Rodriguez
Bryan Cave LLP
1155 F Street NW
Washington, DC 20004

Dear Ms. Dunn and Mr. Rodriguez:

I am writing to follow-up on the letter the Department sent dated August 5, 2015, and the letter you sent in response. In *Judicial Watch v. Department of State* (D.D.C. No. 13-cv-1363), Judge Sullivan has additionally ordered the Department to request that your client, Ms. Huma Abedin:

1. Not delete any federal documents, electronic or otherwise, in her possession or control;
2. Provide appropriate assurances to the Government that she will not delete any such documents.

A copy of the order is enclosed.

I would appreciate it if you would confirm receipt of this letter and respond to the above requests for information in writing as soon as possible. Please note that Judge Sullivan has directed the Department to inform the Court of the status of its compliance with the Order no later than August 12, 2015, including a copy of any assurances provided by Ms. Abedin that she will not delete any federal documents in her possession or control.

Sincerely,



Patrick F. Kennedy

Enclosure

From: DCD_ECFNotice@dcd.uscourts.gov

[http://redirect.state.sbu/?url=mailto:DCD_ECFNotice@dcd.uscourts.gov]

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Case Number: [1:13-cv-01363-EGS](#)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER. In view of [20] the Government's status report, the Court hereby directs the Government to request that Mrs. Hillary Clinton, Ms. Huma Abedin, and Ms. Cheryl Mills i) not delete any federal documents, electronic or otherwise, in their possession or control, and ii) provide appropriate assurances to the Government that the above-named individuals will not delete any such documents. The Government shall inform the Court of the status of its compliance with this Order no later than August 12, 2015, including a copy of any assurances provided by Mrs. Clinton, Ms. Abedin and Ms. Mills that they will not delete any federal documents in their possession or control. Signed by Judge Emmet G. Sullivan on August 7, 2015. (lcegs1)

1:13-cv-01363-EGS Notice has been electronically mailed to:

Paul J. Orfanedes porfanedes@judicialwatch.org, jwlegal@judicialwatch.org

Peter T. Wechsler peter.wechsler@usdoj.gov

Michael Bekesha mbekesha@judicialwatch.org, jwlegal@judicialwatch.org

1:13-cv-01363-EGS Notice will be delivered by other means to::

EXHIBIT D

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
2001 K STREET, NW
TELEPHONE (202) 223-7300

WASHINGTON, DC 20006-1047

BETH A. WILKINSON

TELEPHONE (202) 223-7340
FACSIMILE (202) 204-7395

E-MAIL bwilkinson@paulweiss.com

UNIT 3601, OFFICE TOWER A, BEIJING
FORTUNE PLAZA
NO. 7 DONGSANHUAN ZHONGLU
CHAOYANG DISTRICT
BEIJING 100020
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 5828-6300

12TH FLOOR, HONG KONG CLUB BUILDING
3A CHATER ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300

ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU, U.K.
TELEPHONE (44 20) 7367 1600

FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101

TORONTO-DOMINION CENTRE
77 KING STREET WEST, SUITE 3100
PO BOX 226
TORONTO, ONTARIO M5K 1J3
TELEPHONE (416) 504-0520

2001 K STREET NW
WASHINGTON, DC 20006-1047
TELEPHONE (202) 223-7300

500 DELAWARE AVENUE, SUITE 200
POST OFFICE BOX 32
WILMINGTON, DE 19899-0032
TELEPHONE (302) 655-4410

August 12, 2015

By Electronic Mail & Hand Delivery

Patrick F. Kennedy
Under Secretary for Management
United States Department of State
2201 C Street, NW
Washington, DC 20520

Dear Under Secretary Kennedy:

We received your August 10, 2015 letter regarding Judge Emmet G. Sullivan's August 7, 2015 Order in *Judicial Watch, Inc. v. U.S. Department of State*, No. 13-CV-1363.

First, I ask you to make clear to Judge Sullivan that we have provided you with a complete set of any federal records or potential federal records (hereinafter referred to as potential federal records) that Ms. Cheryl Mills has identified in her custody and control. That original set of documents is in the custody and control of the Department of State.

Second, in compliance with Judge Sullivan's order, Ms. Mills will not delete any potential federal records, electronic or otherwise.

Third, as you know, in your July 31 letter you asked us to return all copies of Ms. Mills' potential federal records, which includes electronic copies, to the Department. Because Ms. Mills had electronic copies of the same documents provided to the Department, she had copies that fell under the August 6 request. Accordingly, the only way to comply with the Department's request to remove all copies (of the production the Department has) from Ms. Mills' custody and control is to delete the copies from her electronic account, which she now will not do.

Fourth, we ask you to clarify with Judge Sullivan that it was the State Department that asked for the return of all copies of potential federal records in Ms. Mills' possession; and, going forward it will be the State Department's responsibility to

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

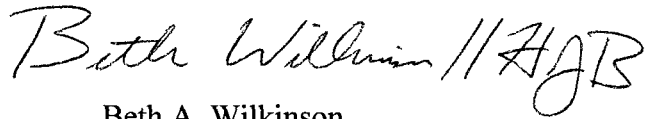
Patrick F. Kennedy

2

secure permission from Judge Sullivan to remove any copies of such emails from Ms. Mills' email account.

Finally, as you know, we have retained a copy of all of the documents we provided to the State Department on behalf of Ms. Mills as Ms. Mills' attorneys. As I mentioned in my August 6 letter, we await instructions from you as to how we store or retain our electronic copies of Ms. Mills' documents that are in your custody and control.

Sincerely,

A handwritten signature in cursive script that reads "Beth A. Wilkinson // HJB". The signature is written in black ink and is positioned above the printed name.

Beth A. Wilkinson

EXHIBIT E

LAW OFFICES

WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

DAVID E. KENDALL
(202) 434-5145
dkendall@wc.com

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

August 12, 2015

BY EMAIL

Mr. Patrick F. Kennedy
Under Secretary of State for Management
United States Department of State
2201 C Street NW
Washington, DC 20520-6421

Dear Mr. Kennedy:

This will respond to the inquiry in your August 10, 2015, letter to me. As you know, I am personal counsel for former Secretary Hillary Clinton and am able to make the following representations about document preservation.

While we do not know what documents may be relevant to the pending law suit, Secretary Clinton directed that all her emails in her custody on clintonemail.com be reviewed in late 2014 by her counsel. All emails that were or potentially were federal records, which totaled 30,490 emails printed to approximately 55,000 pages, were provided to the State Department on December 5, 2014 in hard copy. This production was over-inclusive, since the Department has advised us that at least 1246 of the emails we submitted were not, in fact, federal records.

I have assured the Chairman of the House Select Committee on Benghazi (on March 6, 2015) and the Inspectors General of the Department and of the Intelligence Community (on June 1, 2015, and June 24, 2015) that we would preserve federal record emails in our custody and will do so in the future. I repeat that assurance now.

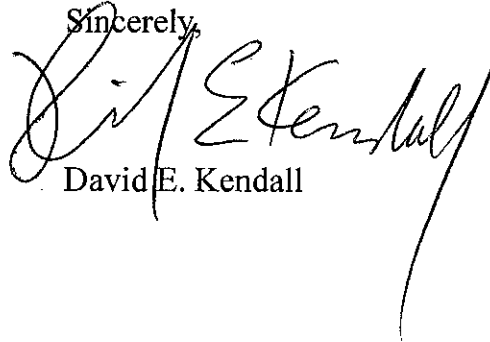
Recently, the State Department has retrospectively classified some of the 55,000 pages, all of which had previously been unclassified.

WILLIAMS & CONNOLLY LLP

Mr. Patrick F. Kennedy
August 12, 2015
Page 2

As a result, we have voluntarily provided to the Department of Justice on August 6, 2015, the .pst file containing electronic copies of the 55,000 pages of emails on a thumb drive (along with two copies), which had been securely stored in my possession, after receiving from the Department of Justice an assurance that it would maintain this file in an appropriately secure manner and the Department's opinion that such maintenance would satisfy any preservation obligations I am under. Similarly, Platte River Networks is today providing to the Department of Justice the server and related equipment on which emails to and from Secretary Clinton's clintonemail.com were stored from 2009 to 2013 and which PRN took possession of in 2013. This is following the Department of Justice's assurances to us and counsel for PRN that it would maintain the server equipment in an appropriately secure manner. The Department also gave counsel its opinion that such maintenance would satisfy any preservation obligations we have.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Kendall", is written over the word "Sincerely,". The signature is fluid and cursive, with a long, sweeping line extending downwards from the end of the name.

David E. Kendall

DEK/bb

EXHIBIT F

From: Rodriguez, Miguel [Miguel.Rodriguez@bryancave.com]
Sent: Wednesday, August 12, 2015 11:07 AM Eastern Standard Time
To: Patrick Kennedy
Cc: Rich Visek; Karen Dunn
Subject: Ms. Abedin -- Document Retention

Dear Under Secretary Kennedy,

We are in receipt of your August 10, 2015 letter regarding Judge Emmet G. Sullivan's August 7, 2015 Order in *Judicial Watch, Inc. v. Department of State*.

We want to confirm for the Department that in accordance with your request, Ms. Abedin will not delete any potential federal records in her possession.

Thank you.

Miguel E. Rodriguez
Bryan Cave LLP
1155 F Street, NW
Washington, DC 20004
(202) 508-6031 (o)
(202) 578-9224 (c)
miguel.rodriguez@bryancave.com