

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

<b>JUDICIAL WATCH, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 1:15-cv-00688 (RC)</b>
	)	
<b>v.</b>	)	
	)	
<b>U.S. DEPARTMENT OF STATE,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**DEFENDANT’S MOTION TO STAY BRIEFING SCHEDULE**

Defendant Department of State (“State”) hereby moves to stay the briefing schedule in this case to allow it to conduct searches of a recently-identified source of potentially responsive documents. In support of this motion, State, through undersigned counsel, states the following.

1. State’s Motion for Summary Judgment is currently due on January 15, 2016. Scheduling Minute Order of Nov. 5, 2015. State, however, recently identified a source of potentially-responsive State Department documents – a collection of electronic files – that had not previously been identified or searched. State cannot complete its search of these files for responsive documents before the date set for State’s motion for summary judgment.

2. To search the newly identified documents, State must upload the files to a system in which they can be electronically searched, a process that is currently underway. Because the uploading is not complete, it is not possible at this time to estimate the volume of potentially responsive documents, if any, that will be found. State proposes that it first complete the upload of the files so that they are electronically searchable, and then conduct searches for potentially responsive documents. State estimates it can complete this process and file a status report

disclosing the volume of potentially responsive documents and proposing a revised schedule by February 1, 2016.

3. This request is not for purposes of delay, but is necessary for State to properly process and produce any responsive records to Plaintiff and move for summary judgment. Granting this extension would allow State to complete its production of responsive documents and permit the parties to brief summary judgment in a single, consolidated round.

4. State, therefore, respectfully moves the Court to stay the briefing schedule and set the following deadlines: (1) by no later than February 1, 2016, State shall complete its additional search and file a status report disclosing the volume of potentially responsive documents that must be reviewed and proposing a revised schedule for the production of the non-exempt portions of responsive documents subject to FOIA; (2) by no later than February 5, 2016, Plaintiff shall file a response to State's proposed production schedule.

5. Another judge in this District has already granted a similar motion filed by State. *See* Minute Order (Jan. 12, 2016), *Judicial Watch, Inc. v. U.S. Dep't of State*, No. 1:14-cv-01511-ABJ.

6. Counsel for State has consulted with counsel for Judicial Watch, which has informed State that it does not oppose the relief sought in this motion if State provides Judicial Watch "in advance with the names of the current or former State Department employees who created or received the documents." The newly identified files that need to be searched in this case consist of office files that were available to employees within the Office of the Secretary during former Secretary Clinton's tenure as well as individual files belonging to Jake Sullivan and Cheryl Mills.

Dated: January 14, 2016

Respectfully submitted,

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ELIZABETH J. SHAPIRO  
Deputy Director

/s/ Daniel Riess  
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<i>Plaintiff,</i>	)	
	)	Civil Action No. 1:15-cv-00688 (RC)
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U.S. DEPARTMENT OF STATE,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**PROPOSED ORDER**

Upon consideration of Defendant’s Motion to Stay Briefing Schedule, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the present summary judgment briefing schedule is stayed, and that:

(1) by no later than February 1, 2016, Defendant shall complete its additional search and file a status report disclosing the volume of potentially responsive documents that must be reviewed and proposing a revised schedule for the production of the non-exempt portions of responsive documents subject to FOIA; and

(2) by no later than February 5, 2016, Plaintiff shall file a response to Defendant’s proposed production schedule.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
RUDOLPH CONTRERAS  
UNITED STATES DISTRICT JUDGE