

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

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 14-cv-1242 (RCL)
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	
)	

**PLAINTIFF JUDICIAL WATCH, INC.’S REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT U.S. DEPARTMENT OF STATE**

Plaintiff Judicial Watch, Inc., pursuant to the Court’s January 15, 2019 Memorandum and Order and Rule 34 of the Federal Rules of Civil Procedure, requests that Defendant U.S. Department of State produce the following documents:

INSTRUCTIONS AND DEFINITIONS

1. The requests set forth herein seek records in your actual or constructive possession, control, or custody, including records which may be held by your attorneys, representatives, all persons acting under, by, or through you, or subject to your control or supervision, and all persons acting on your behalf.

2. If you object to any portion of a request, but not the entire request, identify the specific portion of the request to which objection is made and respond to the portion of the request to which no objection is made.

3. If you object to a request on the grounds that the request is overly broad or unduly burdensome, respond to the request by providing all records that are not alleged to be overly

broad or unduly burdensome and identify the nature, quality, quantity, or volume of the withheld records and the effort that would be required to provide the withheld records.

4. If you object to a request on the grounds that the request calls for the production of a record that is subject to a claim of privilege, identify the privilege that is claimed to apply and identify all information sufficient to permit Plaintiff to contest the claim of privilege and to permit the Court to reach a determination concerning the validity of the claim of privilege, together with the factual and legal basis for the claim of privilege. Such information should include, but not be limited to, (i) the nature of the record (e.g., inter-office memorandum, correspondence, report), (ii) the author, sender, and recipient of the record, (iii) the date of the record, and (iv) a description of the subject matter of the record.

5. If a record once in your possession or control is responsive to a request and the record is no longer in your possession or control, state when the record was most recently in your possession or control and what disposition was made of the record, including the identity of the person or entity now in possession of or exercising control over the record. If the record has been destroyed, state when and where it was destroyed and identify the person who directed its destruction.

6. Where a record or a portion of a record is responsive to one or more of these requests, produce the entire record, including any attachments or exhibits thereto.

7. The present tense includes the past and future tenses; the singular includes the plural and the plural includes the singular; “any” and “all” each to mean “any and all”; “including” to mean “including but not limited to”; “and” and “or” each to encompass both “and” and “or”; and words in the masculine, feminine, or neuter form to include each of the other genders.

8. The definitions provided below are hereby incorporated into each interrogatory in which the term appears:

a. “Communication” means any record or recording of any type of transmission, conveyance, or exchange of information, whether facts, ideas, inquiries, or otherwise, and regardless of form, method, or medium. It includes, without limitation, any record or recording of any conference, conversation, correspondence, discussion, email, internet posting (including Facebook, Instagram, or Snapchat), instant message, letter, meeting, telefax, text message, “tweet,” or voice mail message.

b. “Concerning” and “relating to” mean affecting, analyzing, bearing upon, commenting on, comprising, concerning, connected with, considering, constituting, containing, dealing with, describing, discussing, embodying, embracing, encompassing, entailing, establishing, evidencing, germane to, identifying, implicating, including, incorporating, involving, pertaining to, presenting, purporting to, recommending, regarding, relating to, referring to, reflecting, reporting on, respecting, responding to, setting forth, showing, or studying in any manner and in whole or in part.

c. “FOIA” refers to the Freedom of Information Act.

d. “Office of the Secretary” refers to the Office of the Secretary within the U.S. Department of State.

e. “Record” is synonymous in meaning and equal in scope to the description in Rule 34(a)(1) of the Federal Rules of Civil Procedure and includes, but is not limited to, electronically stored information. Any draft or non-identical copy is a separate record within the meaning of the term “record.” A request for a record is meant to include any attachment or exhibit accompanying the record and any file folder in which the record is maintained.

f. “State Department” refers to the U.S. Department of State.

REQUESTS

1. An unredacted copy of an August 8, 2014 email exchange between Clarence Finney, Jonathon Wasser, James Bair, Andrew Keller, and Gene Smilansky.
2. An unredacted copy of a May 1, 2013 email exchange between Gene Smilansky, Brett Gittleson, Sheryl Walter, and others.
3. A copy of the email exchanges available at ECF No. 62-3 with the Exemption 5 redactions removed.
4. All records concerning the State Department’s pre-February 2, 2015 awareness of the need to continue searching for records responsive to this FOIA request, as well as those records’ locations.
5. All records – including internal communications – concerning the FOIA request at issue in this litigation.
6. All records relating to the Department’s practices, policies, and actions accounting for Office of the Secretary records, including the emails of Hillary Clinton, Cheryl Mills, Huma Abedin, Jacob Sullivan, and other staff, during and after their employment.

Dated: January 15, 2019

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha
D.C. Bar No. 995749
JUDICIAL WATCH, INC.

Counsel for Plaintiff Judicial Watch, Inc.