

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

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

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

Plaintiff Judicial Watch, Inc., pursuant to the Court’s August 22, 2019 Order (ECF No. 135) 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 request 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. “IPS” refers to the Office of Information Programs and Services (A/GIS/IPS) 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.
- g. “Clinton” refers to former Secretary of State Hillary Rodham Clinton.

REQUESTS

1. An unredacted version of the September 29, 2012 email exchange marked as Hackett Exhibit 17. *See* Ex. 3 attached to Plaintiff’s Status Report filed August 21, 2019 (ECF No. 131-3).
2. Copies of all emails sent by IPS, IPS Office of Policy and Programs Chief Patrick Scholl, or any other State Department official in the summer of 2013 concerning the directive described by Hackett during his deposition that no further “No Record Located” responses or responses similar to that effect should be issued in response to FOIA requests related to Clinton’s emails. *See* Ex. 1 (Hackett Tr. at pp. 32-34) attached to Plaintiff’s Status Report filed August 21, 2019 (ECF No. 131-1).
3. Copies of all records reviewed in response to the 2013 FOIA request submitted by Gawker Media for “all correspondence, electronic or otherwise, between Hillary Clinton and Sidney Blumenthal, including any traffic to or from any accounts controlled by Hillary Clinton, including the email address `hdr22@clintonemail.com`” from January 21, 2009 through February 1, 2013. Specifically, Plaintiff seeks all emails reviewed in response to the request in which Clinton is either a sender or recipient or which reference the use of Clinton’s “`hdr22@clintonemail.com`” email account and all emails reviewed in response to the request that stated “remember, you’re not supposed to use that e-mail” or used words to that effect. *See* Ex. 1 (Hackett Tr. at pp. 93-94) attached to Plaintiff’s Status Report filed August 21, 2019 (ECF No. 131-1).

Dated: August 23, 2019

Respectfully submitted,

JUDICIAL WATCH, INC.

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