

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Case No. 14-cv-1242 (RCL)

~~PORTIONS PRODUCED SUBJECT  
PROTECTIVE ORDER~~

**DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S  
SUPPLEMENTAL INTERROGATORIES TO U.S. DEPARTMENT OF STATE**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and subject to and without waiving its continued objection to the propriety of any discovery in this matter, Defendant United States Department of State hereby responds to Plaintiff Judicial Watch, Inc.'s ("Judicial Watch") Interrogatories to the United States Department of State ("State" or "the Department" or "the State Department"):

**SUPPLEMENTAL INTERROGATORY 1:**

Identify the State Department official whose FBI interview was marked as Hackett Deposition Exhibit 21, as well as the names of the attorney, PST file, and FOIA request referenced in the third full paragraph on the first page therein. The information currently is redacted in the public version of the FBI's notes. See Ex. 4 (Hackett Ex. 21) attached to Plaintiff's Status Report filed August 21, 2019 (ECF No. 131-4).

**Response:**

State objects to Plaintiff's characterization of this interrogatory as one interrogatory, when in fact it contains four "discrete subparts." Fed. R. Civ. P. 33(a)(1). Going forward, State will

consider this interrogatory to count as four interrogatories for purposes of the presumptive limit on the number of interrogatories set forth in Federal Rule of Civil Procedure 33(a)(1). Subject to and without waiving this objection, State responds as follows:

(i) The State Department official whose FBI interview was marked as Hackett Deposition Exhibit 21 is [REDACTED]. ~~The information in this paragraph is PRODUCED SUBJECT TO PROTECTIVE ORDER.~~

(ii) The name of the attorney referenced in the third full paragraph on the first page of Hackett Deposition Exhibit 21 is [REDACTED]. ~~The information in this paragraph is PRODUCED SUBJECT TO PROTECTIVE ORDER.~~

(iii) The PST file referenced in the third full paragraph on the first page of Hackett Deposition Exhibit 21 is named [REDACTED].pst. ~~The information in this paragraph is PRODUCED SUBJECT TO PROTECTIVE ORDER.~~

(iv) The FOIA request referenced in the third full paragraph on the first page of Hackett Deposition Exhibit 21 was filed by Alexa D. O'Brien on March 11, 2013. State assigned case-control number F-2013-04204 to this request. The request sought:

Any and all records (including emails; letters; memos; meeting minutes and/or meeting notes; audio and/or video, transcripts; working papers; and reports) of communications between and [sic] 'The New York Times' and its employees (including but not limited to Bill Keller; Scott Shane; Eric Schmitt; David Sanger; Dean Baquet; Ian Fisher; John Burns; and Ravi Somaiya) and the U.S. State Department concerning WikiLeaks.org publications including the Collateral Murder video (aka "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi"); Afghan War Diary (aka CENTCOM CIDNE-A database SigAct files); Iraq War Logs (aka CENTCOM CIDNE-I database SigAct files); Cablegate (aka Net Centric Diplomacy database SIPDIS cables); and the GTMO files (aka SOUTHCOM Guantanamo Detainee Assessment Briefs) between January 1, 2010 and March 11, 2013.

**SUPPLEMENTAL INTERROGATORY 2:**

Identify the “fifth document” identified by S/ES in the fall of 2014 but deemed unresponsive and, for each email recipient or sender, specify whether the email address belonged to a state.gov email account or a non-state.gov email account. *See* Ex. 3 (Hackett Ex. 17) attached to Plaintiff’s Status Report filed August 21, 2019 (ECF No. 131-3); *see also* Jan. 2016 OIG Report, Evaluation of the Department of State’s FOIA Processes for Requests Involving the Office of the Secretary, at p. 15 (Jan. 2016), available at <https://www.stateoig.gov/system/files/esp-16-01.pdf> (last accessed August 18, 2019).

**Response:**

State objects to Plaintiff’s characterization of this interrogatory as one interrogatory, when in fact it contains two “discrete subparts.” Fed. R. Civ. P. 33(a)(1). Going forward, State will consider this interrogatory to count as two interrogatories for purposes of the presumptive limit on the number of interrogatories set forth in Federal Rule of Civil Procedure 33(a)(1). Subject to and without waiving this objection, State responds as follows:

After a reasonable inquiry, State cannot definitively identify or confirm the existence of the “fifth document” that is referred to in the January 2016 OIG Report. State examined the relevant case files in IPS and S/ES, and neither location contains any records from which State can identify the “fifth document.” This result accords with S/ES’s practice of transmitting to IPS and retaining in the case file only those records they believed were responsive. That said, because Hackett Ex. 17 was identified but deemed unresponsive in February of 2015, State does not dispute that it is logical to conclude that it was also located and deemed unresponsive in the earlier searches taking place in the case. Therefore, State provides the following information about Exhibit 17: (i) the senders and recipients are evident on the face of the exhibit; (ii) on page 1 of that exhibit,

the email addresses of the sender and both recipients belong to a non-state.gov email account;  
(iii) on page 2 of that exhibit, [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com) belongs to a non-state.gov email account,  
and the email addresses of the sender and all other recipients belong to state.gov email accounts.

Dated: September 12, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Branch Director

*/s/ Robert J. Prince*

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ROBERT J. PRINCE  
D.C. Bar No. 975545  
Senior Trial Counsel

United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
Phone: (202) 305-3654  
Fax: (202) 616-8470  
Email: [robert.prince@usdoj.gov](mailto:robert.prince@usdoj.gov)

*Attorney for Defendant*

**VERIFICATION**

I, Eric F. Stein, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the interrogatory answers contained in Defendant's Responses and Objections to Plaintiff's Supplemental Interrogatories to the United States Department of State are true and correct to the best of my knowledge, and upon information and belief.

Dated: September 12, 2019



Eric F. Stein  
Director, A/GIS/IPS  
United States Department of State

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2019, I served the foregoing Responses and Objections to Plaintiff's Supplemental Interrogatories to the United States Department of State by electronic mail on the following:

JUDICIAL WATCH, INC.  
Ramona Cotca  
Lauren Burke  
425 Third Street, SW  
Suite 800  
Washington, DC 20024  
rcotca@judicialwatch.org  
lburke@judicialwatch.org

*/s/ Robert J. Prince* \_\_\_\_\_  
Robert J. Prince (D.C. Bar No. 975545)