

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant

Civil Action No. 22-0412 (RBW)

**JOINT STATUS REPORT**

Judicial Watch Inc. (“Plaintiff”) and the Central Intelligence Agency (“Defendant” or Agency”), through undersigned counsel, respectfully file this joint status report in accordance with the Court’s November 8, 2023, Minute Order.

1. As noted in the prior joint status report, the parties agreed that the Agency would perform a new search based on the language of Plaintiff’s initial request for responsive records from January 1, 2015, through October 26, 2021. *See* Joint Status Report (Nov. 8, 2023), ECF No. 31.

2. The Agency has undertaken searches for records responsive to Plaintiff’s request. The Agency is beginning to process the search results; however, at this time, it is unable to estimate how long it will take to complete this process. The Agency will continue to diligently process the search results and anticipates that it will be able to provide an update to Plaintiff ahead of the next joint status report. The agency proposes that the parties submit another joint status report by Wednesday, July 10, 2024.

3. Plaintiff appreciates that the Agency’s searches and processing of the results of those searches takes time, but, under the circumstances, the Agency needs to be more forthcoming

about its efforts and its time frame. Plaintiff submitted its request on October 16, 2021 and filed suit on February 16, 2022, more than two years ago. ECF No. 26.1, ¶ 8. Plaintiff's request seeks records of meetings and telephone conversations between Washington, DC-based lawyer Michael Sussmann and the CIA. *Id.*, ¶¶ 4-6. In September 2021, Mr. Sussman was indicted on charges of lying to the FBI.<sup>1</sup> *Id.*, ¶ 4. It took the Agency nearly a year to provide four responsive records made public when they were introduced into evidence at Mr. Sussman's Spring 2022 criminal trial. *Id.*, ¶¶ 5 and 9. The Agency moved for summary judgment in July 2023, another year later. ECF No. 26. In response to Plaintiff's opposition to the Agency's motion for summary judgment and Plaintiff's cross-motion, filed September 7, 2023, the Agency sought to stay further briefing and, as reflected in a November 7, 2023 joint status report, agreed to conduct further searches. ECF Nos. 30 and 31. Four months have passed since the Agency declared that it would conduct further searches, and it now wants another four months, until July 10, 2024, to provide only an update. Plaintiff submits that, under the circumstances, the time for updates is past and the case should move forward. The Agency should be required to produce whatever additional records it intends to produce and a *Vaughn* index, "no list/no numbers" or *Glomar* assertion by the July 10, 2024 date, with Plaintiff reserving its rights to challenge the additional searches and any withholdings.

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<sup>1</sup> Mr. Sussmann was subsequently acquitted. ECF No. 26.1, ¶ 5.

Date: March 8, 2024

/s/ Paul J. Orfanedes

Paul J. Orfanedes, D.C. Bar # 429716

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Respectfully submitted,

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