

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

JUDICIAL WATCH, INC.

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Civil Action No. 13-cv-00951 (EGS)

**JOINT STATUS REPORT AND
PROPOSED SCHEDULE FOR FURTHER PROCEEDINGS**

The parties, by counsel, respectfully submit this Joint Status Report and Proposed Schedule for Further Proceedings in response to the Court's September 4, 2013 Minute Order.

BACKGROUND

Judicial Watch, Inc., mailed a Freedom of Information Act ("FOIA") request to the U.S. Department of State ("Department") on October 18, 2012, requesting

- 1) Copies of any updates and/or talking points given to Ambassador Rice by the White House or any federal agency concerning, regarding, or related to the September 11 2012 attack on the U.S. consulate in Benghazi, Libya.
- 2) Any and all records or communications concerning, regarding, or relating to talking points or updates on the Benghazi attack given to Ambassador Rice by the White House or any federal agency.

See Compl. ¶ 5, June 21, 2013, ECF No. 1. The Department acknowledged receipt of the request on October 26, 2012, assigning it Case Control Number F-2012-38774. The Department was processing the request when Judicial Watch filed suit on June 21, 2013, although it had not produced any documents or provided a response other than its acknowledgment letter of October

26, 2012. The Department answered the complaint on August 16, 2013. *See Answer*, Aug. 16, 2013, ECF No. 8.

STATUS OF THE REQUEST

The Department has conducted searches for potentially responsive records and located upwards of one thousand pages of documents that will need to be reviewed by the FOIA office in order to determine which documents, if any, are responsive to Judicial Watch's request. Due to the large volume of materials to be reviewed and the likely need for coordination with other United States government agencies, a significant amount of time will be required to process the records and determine which documents are responsive and which documents or portions of documents are subject to release under the FOIA.

The parties have agreed that the Department will make rolling productions of material that it determines to be both responsive to Judicial Watch's FOIA request and subject to release under the FOIA, with an initial production date of October 31, 2013, further production dates of December 19, 2013 and February 20, 2014, and a final production date of April 17, 2014. In order to facilitate discussions to attempt to resolve this litigation without further adjudication, the Department will provide to Judicial Watch by May 1, 2014 a draft *Vaughn* index identifying the nature of any information in responsive records that the Department has withheld, if any, and the reason for any such withholding (including relevant FOIA exemptions).¹

¹ Should this case proceed to dispositive motions, this draft would be without prejudice to, and would not limit or waive, any justification or argument the Department may raise in defense of any withholding that is subject to dispute, regardless of whether such arguments or justifications were included in the draft.

SCHEDULE

There may or may not be a need for summary judgment briefing in this case. The parties therefore respectfully propose that, by no later than June 2, 2014, the parties shall file a second joint status report setting forth a proposed schedule for subsequent proceedings, including a proposed briefing schedule should the parties be unable to resolve this litigation without further adjudication.

Date: Sep. 30, 2013

JUDICIAL WATCH, INC.

/s/ Ramona R. Cotca

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Respectfully submitted,

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