

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ACCURACY IN MEDIA, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 14-1589 (EGS)
DEPARTMENT OF DEFENSE, et al.,	)	
	)	
Defendants.	)	
_____	)	

PLAINTIFFS' UNOPPOSED MOTION TO LIFT PARTIAL STAY AGAINST THE CIA,  
AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

In support of their prayer that the Court lift the partial stay of the case against the CIA, plaintiffs respectfully submit this memorandum. Defendant CIA does not oppose this relief.

1. On June 23, 2015, the Court granted plaintiffs' September 1, 2014, motion to stay certain claims against the CIA, pending issuance of the U.S. House of Representatives Select Committee's "Investigation and Report on the Terrorist Attack in Benghazi."

2. The CIA responded to the two requests that were not the subject the stay, on September 30, 2015.

Memorandum of Points and Authorities

3. The Select Committee released its Report on June 28, 2016. Plaintiffs now seek a lift of the partial stay. Of the twelve items sought from the CIA, plaintiffs narrow three, and dismiss eight, leaving four items at issue, as set forth below.

Three narrowed FOIA Requests:

- Survivors' accounts. Complaint ¶ 136:
  3. All records generated between September 11, 2012 and the present, by survivors of the September 11th and 12th attacks on the Benghazi mission and the Benghazi CIA Annex, or by any person regarding the survivors' accounts of the attack.

This requests is narrowed to specify identify only *Memorandum for the Record*, prepared by the Deputy Chief of Base "Events of 11-12 SEP 2012 at Benghazi Base, Libya," September 19, 2012. That record is cited on page 5, footnote13, of the January 15, 2014, *U.S. Senate Select Committee on Intelligence Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012*:

According to informal notes obtained from the CIA, the security team left for the Annex [sic] without the formal approval of the Chief of Base, *see* attachments to e-mail from CIA staff [redacted] to CIA staff [redacted] September 23, 2012. However, a Memorandum for the Record prepared by the Deputy Chief of Base specifically states that the Chief "authorized the move" and the Chief told the Committee: "We launched QRF [Quick Reaction Force] as soon as possible down to the State [Department] compound." Memorandum for the Record, "Events of 11-12 SEP 2012 at Benghazi Base, Libya," September 19, 2012, p. 1

- Contemporaneous records generated by CIA Director and Deputy Director. Complaint ¶ 136:
  - 5, 6. All records of CIA Director David Petraeus' [and Deputy CIA Director Michael Morell's] actions and communications for the 24-hour period beginning when first notified that the Benghazi Mission was under attack. Responsive records include:
    - (1) All records generated by Director Petraeus, [and Deputy Director Morell] including all emails, memoranda, or notes;
    - (2) Telephone logs or bills or other statements of all of his telephone calls placed or received; and
    - (3) All records generated by anyone about the CIA Director's [and Deputy Director's] actions and communications.

These two items are narrowed to omit "telephone logs or bills" and "records generated by anyone about" the actions and communications.

Fourth item at issue

- Non-Disclosure Agreements. Complaint ¶ 136:
  16. Non-Disclosure Agreements signed by survivors of the Benghazi attacks, including employees or contractors of the CIA or DOD.

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Plaintiffs withdraw all the other items that were the subject of the stay.

There are eight. They regard the CIA facility, Complaint ¶ 136(1), videos *id.* ¶ (2), radio communications *id.* ¶ (4), Ambassador Stevens' September 11 meetings ¶ *id.* (9), meetings with nine individuals in Libya from 2007 through 2012 *id.* (11), intelligence provided to Congress of weapons trafficking *id.* ¶¶ (12), (13), and a video teleconference *id.* ¶ (15).

WHEREFORE, plaintiffs respectfully move the Court to lift the partial stay of the case against the CIA.

DATE: July 22, 2016.

Respectfully submitted,

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