

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

ACCURACY IN MEDIA, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 14-1589 (EGS)
)	
UNITED STATES DEPARTMENT OF)	
DEFENSE, <i>et al.</i>)	
)	
Defendants.)	
)	

JOINT MOTION TO AMEND BRIEFING SCHEDULE

On May 12, 2017, the parties to this Freedom of Information Act (“FOIA”) suit¹ filed a Joint Status Report that informed the Court that the parties were actively engaged in discussions aimed at determining whether the issues in this action could be narrowed and in what manner. As the parties’ May 12, 2017 Joint Status Report explained, “[t]hose discussions have been productive and have greatly assisted the parties in narrowing the issues that are being challenged in this FOIA action, which seeks records related to the September 11, 2012 attack on the [State Department diplomatic and CIA facilities] in Benghazi, Libya from four [] different Defendant agencies and several of their respective components.” Joint Status Report at 1, ECF No. 60 (May 12, 2017).

As part of those discussions, Defendants agreed to, and in fact did provide draft *Vaughn* indices to Plaintiffs in an effort to explain the bases for the agencies’ decisions

¹ Plaintiffs brought this FOIA action against Defendants, the Central Intelligence Agency (“CIA”), the United States Department of Defense and several of its component departments, the Department of State, and the United States Department of Justice and its component, the Federal Bureau of Investigation (collectively, “Defendants”). *See generally* Compl., ECF No. 1 (Sept. 19, 2014).

related to the withholding of those records. And after reviewing the draft *Vaughn* indices, Plaintiffs have agreed to narrow even further the issues that are being challenged in this FOIA litigation.

Because these discussions have been productive and have resulted in the parties agreeing to narrow the issues that remain to be litigated in this case, the parties respectfully request additional time to continue these discussions. For example, the State Department has agreed to conduct a supplemental search that may yield documents responsive to one or more of Plaintiffs' FOIA requests. And in the event that search produces non-exempt records responsive to those requests, Plaintiffs seek sufficient time to review those documents to determine the sufficiency of the agency's response. Given the parties' past experience in this litigation, they strongly believe that additional time and continued discussions may allow them to further narrow the issues such that some (or all) of the remaining issues may be resolved outside of litigation.

Accordingly, the parties respectfully propose to amend the briefing schedule as follows, which takes into consideration: (1) the time required for the defendant agency to conduct a supplemental search for responsive documents; (2) Plaintiffs' review of any non-exempt, responsive documents produced as a result of that search; and (3) the parties' discussions aimed at further narrowing and/or resolving the remaining issues in this case:

- December 15, 2017: Defendants file their motion for summary judgment;
- January 19, 2018: Plaintiffs file their opposition to Defendants' motion for summary judgment and cross-motion for summary judgment;
- February 9, 2018: Defendants file their reply in support of their motion for summary judgment and in opposition to Plaintiffs' cross-motion for summary judgment; and

March 2, 2018: Plaintiffs file their reply in support of their cross-motion for summary judgment.

A proposed order is attached to this motion.

Dated: September 5, 2017

Respectfully submitted,

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