

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ACCURACY IN MEDIA, INC., et al.,)
)
 Plaintiffs,)
)
 v.)
)
 DEPARTMENT OF DEFENSE, et al.,)
)
 Defendants.)
 _____)

Case No. 14-1589 (EGS)

PLAINTIFFS' STATEMENT OF MATERIAL FACTS NOT IN DISPUTE

Pursuant to Local Civil Rule 7(h)(1) and paragraph 13(c) of this Court's Standing Order, ECF No. 62, Plaintiffs submit this Statement of Material Facts Not in Dispute.

Plaintiffs' Undisputed Material Facts	Defendant's Response
<p>1. Plaintiffs' February 21, 2014, FOIA request seeks "September 15th or 16th FBI 302 Interview Reports, and corresponding handwritten notes, of interviews conducted in Germany of United States personnel who had been in the Benghazi mission and the Benghazi CIA annex during the September 11th and 12th attacks on those facilities."</p> <p><i>Compl.</i>, ECF 31 ¶ 126 (8).</p>	
<p>2. The Dec. 30, 2012 Report by the Senate Committee On Homeland Security And Governmental Affairs, <i>Flashing Red: A Special Report On The Terrorist Attack At Benghazi</i> relates: "On September 15th and 16th, officials from the FBI conducted face-to-face interviews in Germany of the U.S. personnel who had been on the compound in Benghazi during the attack... Information from those interviews was shared on a secure video teleconference on the afternoon of the</p>	

<p>16th with FBI and other IC officials in Washington."</p> <p><i>Compl.</i>, ECF 31 ¶ 126 (9).</p>	
<p>3. By letter dated February 17, 2021, the FBI informed Plaintiffs that it had identified records responsive to their request.</p> <p><i>Seidel Decl.</i> ECF 97-2 ¶ 8.</p>	
<p>4. In September of 2014, Hatchette Book Group published "<i>13 Hours, The Inside Account of what Really Happened in Benghazi</i>" ("<i>13 Hours</i>") by "Mitchell Zuckoff with the Annex Security Team."</p> <p><i>13 Hours</i> excerpts, ECF 25-1 Ex 1 at 4-5.</p>	
<p>5. The main sources of <i>13 Hours</i> were members of the CIA's Quick Reaction Force ("QRF") Dave Benton, Mark Geist, Kris Paronto, Jack Silva, and John Tiegen.</p> <p><i>13 Hours</i> excerpts, ECF 25-1 Ex 1 at 4-5.</p>	
<p>6. <i>13 Hours</i> recounts that, after being ordered to stay in place three times, the CIA's QRF disobeyed that order.</p> <p><i>13 Hours</i> excerpts, ECF 25-1 Ex 1 at 4-5.</p>	
<p>7. On January 15, 2016 Paramount Pictures released the movie, <i>13 Hours: The Secret Soldiers of Benghazi</i> ("<i>Secret Soldiers</i>").</p> <p>This fact is in the public record.</p>	

<p><i>Secret Soldiers</i> recounts that, after being ordered to stay in place three times, the CIA's QRF disobeyed that order.</p> <p>This fact is in the public record.</p>	
<p>8. On Jan. 15, 2016 the Wash. Post. published <i>Former CIA Chief in Benghazi Challenges the Story Line of the New Movie "13 Hours."</i></p> <p>This fact is in the public record.</p>	
<p>9. On Dec. 2, 2014, Breitbart published <i>Benghazi Heroes Debunk House Intel Report as 'Full of Inaccuracies' with Firsthand Account.</i></p> <p>This fact is in the public record.</p>	
<p>10. The Senate Select Intelligence Committee's Jan. 15, 2014 <i>Review of the Terrorist Attack on U.S. Facilities in Benghazi, Libya, September 11-12, 2012</i>, states:</p> <p style="padding-left: 40px;">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.</p> <p>Excerpts ECF 15-7 Ex 7 at 6.</p>	
<p>11. The CIA Chief-of-Base testified before the <i>House Select Committee on Events Surrounding the 2012 Terrorist Attack in Benghazi</i> ("<i>Select Committee</i>"), "I did not tell anybody to stand down."</p> <p><i>Clarke Decl.</i> Transcript ECF 71-1 at 58.</p>	

<p>12. CIA Director David Petraeus testified to the House Intelligence Committee that he was unaware that any order to stand down had been given.</p> <p>ECF 71-1 at 36.</p>	
<p>13. The DOD ordered its forces in Tripoli to stand down.</p> <p>House Oversight and Government Reform Committee testimony of Deputy Chief of Mission Gregory Hicks, ECF 71-1 at 61-64.</p>	
<p>14. Senate Select Intelligence Committee's Jan. 15, 2014 <i>Review of the Terrorist Attack on U.S. Facilities in Benghazi, Libya, September 11-12, 2012</i>, states:</p> <p style="padding-left: 40px;">The Committee explored claims that there was a "stand down" order given to the security team at the Annex... the Committee found no evidence of intentional delay or obstruction by the Chief of Base or any other party.</p> <p>Excerpts ECF 15-7 Ex 7 at 6.</p>	
<p>15. On Dec. 2, 2014, Breitbart published <i>Benghazi Heroes Debunk House Intel Report as 'Full of Inaccuracies' with Firsthand Account</i>.</p> <p>This fact is in the public record.</p>	
<p>16. The FBI interviewed John Tiegen on September 15 or 16, 2011, regarding the Benghazi attacks.</p> <p><i>Tiegen Aff.</i> Exhibit 1.</p>	

<p>17. John Tiegan memorialized his waiver of any privacy interest he may have in the subject Reports.</p> <p><i>Tiegan Aff.</i> Exhibit 1.</p>	
<p>18. From September 11, 2012 through February 8, 2015, 52,404 news articles were published regarding the Benghazi attack, 32,185 newswires & press releases were issued, and the record of news transcripts is 14,698.</p> <p><i>Tappan Aff.</i> ECF 15-8.</p>	

Date: August 10, 2023.

Respectfully submitted,

/ s/

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