

Plaintiff then filed a motion [197] for partial summary judgment to require that defendant produce responsive documents in word-searchable PDF format. Plaintiff correctly points out that the Freedom of Information Act, 5 U.S.C. § 552(a)(3)(B), provides as follows:

In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily producible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats reproducible for purposes of this section.

In defendant's opposition to plaintiff's motion (p. 2 at n.4), defendant agrees that the defendant's counsel will convert the documents to the requested electronic format, an offer plaintiff inexplicably declined. Plaintiff thereafter filed two motions [201, 202] to extend time to file a reply memorandum, along with a motion [203] to file reply out-of-time, to which plaintiff attaches a 19-page legal memorandum, along with an affidavit to refute the defendant's affidavit, and various exhibits. Defendant then filed a motion [204] to file a sur-reply with more exhibits to refute the new arguments and affidavit and exhibits in plaintiff's reply. To the Court, this is much ado about nothing, and motions 201, 202, 203, and 204 are all DENIED.

The documents produced to plaintiff since May 20, 2013, shall be made available by defendant's counsel to plaintiff in the requested electronic format. The United States Attorney has agreed to this procedure, and the Central Intelligence Agency's arguments deal only with their own processing of the records. They make no allegation that the United States Attorney is violating some security procedure by undertaking this task.

Perhaps in some future case there will need to be litigation over this issue, and with conflicting expert affidavits an evidentiary hearing might be required. Clearly this is not this case, in light of the cooperation extended by the United States Attorney.

Plaintiff's motion for partial summary judgment [197] is GRANTED in part and DENIED in part, as set forth here.

IT IS SO ORDERED.

Signed by Royce C. Lamberth, U.S. District Judge, on September 30, 2013.