

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

ACCURACY IN MEDIA, INC., et al.,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, et al.,

Defendants.

Civil Action No. 14-1589 (EGS/DAR)

**DEFENDANTS' NOTICE REGARDING
REPORT AND RECOMMENDATION**

On August 27, 2020, Magistrate Judge Deborah A. Robinson issued a Report and Recommendation in this Freedom of Information Act (FOIA) case. *See* ECF No. 83. The Report and Recommendation recommended (1) denying Plaintiffs' motion to propound discovery, and (2) granting summary judgment to the government on all issues except for the FBI's assertion of a *Glomar* response regarding certain documents. *Id.* at 33. The Report and Recommendation further recommended that Defendants be ordered to produce a supplemental declaration providing additional support for the FBI's *Glomar* response.

Defendants hereby provide notice that they do not intend to file written objections to the Report and Recommendation. *See* Local Rule 72.3(b). Further, the FBI states that it no longer intends to maintain its prior *Glomar* assertion. Instead, the FBI intends to conduct a search for responsive records that would have been covered by the *Glomar* assertion. Should responsive records exist, the FBI will process the records subject to FOIA. Because the FBI's *Glomar* response concerned a request for records relating to the ongoing investigation into the 2012 attack on the U.S. Embassy in Benghazi, Libya, the FBI may ultimately determine that many or all of the records fall within FOIA's exemptions and are not appropriate for release.

Nonetheless, the FBI intends to begin searching for potentially responsive records and will then determine appropriate redactions.

DATED: September 10, 2020

Respectfully submitted,

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/s/ Joshua C. Abbuhl
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