

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

ROGER HALL, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 04-0814 (RCL)
)	ECF
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	
_____)	

**DEFENDANT’S SUPPLEMENTAL ITEMS 4 AND 5 RESPONSE TO THE
COURT’S NOVEMBER 12, 2009 MEMORANDUM OPINION AND ORDER**

Pursuant to the Court’s Order of November 12, 2009 [No. 137], and its Order of April 20, 2012, the Central Intelligence Agency (“Defendant” or “CIA”), through and by undersigned counsel, respectfully provides the attached three supplemental declarations and supporting documents, as discussed in its Reply to Plaintiff’s Response [No. 169, p. 25, n. 15], in order to fully supplement the record, and to provide the Court with information showing that now Defendant is entitled to summary judgment.

Attached herewith are the following:

- (1) The Supplemental Declaration of Elizabeth Anne Culver of the CIA, (“CIA Supp. Decl.”), and its exhibits A through F, which includes a detailed *Vaughn* Index at exhibit B. The purpose of the foregoing set of documents is to further respond to the Court’s 2009 Order, as it pertains to (a) Items 4 and 5 *coordination* documents that originated with the CIA, but contained the equities of the National Security Agency (“NSA”), the Departments of Defense (“DOD”), and State (“DOS”) (CIA Supp. Decl. at pp. 3-31); (b)

the *new search* conducted by the CIA, subsequent to Plaintiff Hall's submission of three new privacy act waivers (*id.* at 31-33); and, (c) Item 5 *referral* documents to the NSA and the DOD (including documents originating with the Defense Intelligence Agency (*id.* at 33-35)).

(2) The Declaration of Diane M. Janosek of the NSA and its *Vaughn* Index, providing details of released Item 5 documents and the withholdings therein. Also attached thereto are exhibits A and B, which outline the documents released and withheld on October 5, 2011, and January 6, 2012 by the NSA.

(3) The Declaration of DOD's Roland Tisdale, the Deputy Director for the Declassification/Freedom of Information Act Division, Defense Prisoner of War/Missing Personnel Office. Attached to Mr. Tisdale's declaration is a detailed *Vaughn* Index, explaining the processing, release and withholding of documents the DOD received from the CIA.

Wherefore, having now released all reasonably segregable, nonexempt, responsive documents, as fully explained in these declarations, and as analyzed in Defendant's Reply [No. 169], the CIA is entitled to summary judgment as to all counts/Items in Plaintiffs' complaint.

Respectfully submitted,

RONALD C. MACHEN JR., D.C. Bar #447889
United States Attorney

DANIEL F. VAN HORN, D.C. Bar #924092
Acting Chief, Civil Division

/s/ Mercedeh Momeni
MERCEDEH MOMENI
Assistant United States Attorney
Civil Division
555 4th Street, N.W.
Washington, D.C. 20530
Telephone: (202) 307-0821

Dated: May 15, 2012.
Washington, D.C.