

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 04-814 (RCL)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

PLAINTIFFS' STATEMENT OF MATERIAL FACTS NOT IN GENUINE DISPUTE

Under Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7(h), plaintiff Accuracy in Media, Inc., respectfully submits this Statement of Material Fact to which there is no Genuine Issue.

On October 21, 2016, Plaintiffs submitted *Plaintiffs' Statement of Material Facts not in Genuine Dispute*, ECF 258-5. Of the 180 paragraphs, defendant chose to respond to only three factual statements, and contended that 177 were not material to the issues in this case. Plaintiffs contend that they are material and that defendant has in essence admitted them.

Here, plaintiffs contend that there is no genuine issue as to the following material facts.

1. The government represented to the Court at the September 26, 2017 Status Hearing that it would disclose Exemption 6 materials ordered released, unless the CIA filed a timely appeal. ECF 293 p. 3-4.

2. The CIA did not appeal the Court's order declaring that Exemption 6 material be disclosed. *See* Docket entries.

3. The CIA did not disclose the records referenced above in Statement 1. *Id.*

4. The Court "direct[ed] the CIA to provide further specificity as to the regulations and schedules applied to its decision to destroy the files." *Mem Op.*, ECF 291 at 14).

5. The CIA did not provide any further specificity regarding the regulations and schedules applied to its decision to destroy the records. *See Shiner Decl.*, ECF 295-2.

6. The government advised the Court at the September 26, 2017 Status Hearing that it would file a motion for the Court's *in camera* review of the destruction schedules that authorized the destruction of 114 files. ECF 293 p. 4.

7. The CIA did not file a motion seeking the Court's *in camera* review of the destruction schedules. *See* Docket entries.

8. Defendant failed to search and review the up to 60-year-old records at issue of 1,400 live sighting reports. *See Shiner Decl.*, ECF 295-2.

9. Defendant failed to search and review the up to 60-year-old records at issue of suspected prison camps. *See Shiner Decl.*, ECF 295-2.

10. Defendant failed to search and review the up to 60-year-old records of imagery. *See Shiner Decl.*, ECF 295-2.

11. Defendant failed to search and review the up to 60-year-old records at issue that it provided to Congress. *See Shiner Decl.*, ECF 295-2.

12. Defendant did not disclose the earliest date it discerned for packets of records provided Congress, withheld-in-full under Exemptions (1) and (5). *CIA Statement of Material Fact Not in Dispute*. ECF 295 ¶ 4.

DATE: December 14, 2018.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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