

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| ACCURACY IN MEDIA, INC., et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 14-1589 (EGS) |
| |) | |
| DEPARTMENT OF DEFENSE, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

PLAINTIFFS' MEMORANDUM IN REPLY TO THE CENTRAL
INTELLIGENCE AGENCY'S OPPOSITION FOR PARTIAL STAY OF CASE
PENDING ISSUANCE OF REPORT OF HOUSE SELECT COMMITTEE PROBE

COME NOW Plaintiffs, and respectfully submit this memorandum in reply to Defendant CIA's opposition to Plaintiffs' Motion for a Partial Stay of Case Against Defendant CIA Pending Issuance of Report of House Select Committee Probe, ECF No. 19 ("Motion").

Plaintiffs' Motion observes that records responsive to 12 of the 14 items in their FOIA request to the CIA is exempt from disclosure under 5 U.S.C. § 552(b)(1) or 5 U.S.C. § 552(b)(3), that this information may be compelled even over an agency's otherwise valid exemption claim when the information has been "officially acknowledged," and that the CIA will officially disclose the otherwise exempt information in the probe by House Select Committee to Investigate Benghazi.

Recounting that the Select Committee's Chairman Gowdy has publicly, and repeatedly, declared his commitment to reporting the unvarnished truth in press releases and Congressional Hearings, the Motion prays that the Court partially stay the matter against Defendant CIA, pending issuance of Report of House Select Committee on Benghazi.

At that time, Plaintiffs posit, the congressional record will be complete, and the matter will be fully ripe for Plaintiffs to meet their burden to prove CIA official acknowledgments.

Defendant opposes the Motion, and posits "that the best course of action would be for Plaintiffs to file an amended complaint omitting the unripe claims..." ECF No. 21 at 1, 4. Further, Defendant submits, if the Plaintiffs decline to amend their Complaint to omit the unripe claims, the CIA does not oppose the Motion. *Id.*

This memorandum is submitted to highlight that Defendant's suggestion that Plaintiffs amend their complaint, and, later, refile their Complaint to include claims that are not now ripe, is not an economical approach. Defendant's pleading does not discuss conservation of resources, because its approach is not judicious in that regard. Defendant appears to agree that, absent the stay, litigation of CIA nondisclosures would result in unnecessary expenditure of the parties' and the Court's resources.

Plaintiffs cannot predict when the Select Committee will issue its Report on the matter. If that has not occurred by the time this case is otherwise nearing its conclusion, the CIA can seek that the stay be lifted.

Date: April 3, 2015.

Respectfully submitted,

/ s/
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