

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

ACCURACY IN MEDIA, INC. <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 14-1589 (EGS)
DEPARTMENT OF DEFENSE <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**DEFENDANT DEPARTMENT OF STATE’S UNOPPOSED MOTION FOR EXTENSION OF  
FINAL PRODUCTION DEADLINE**

1. Defendant Department of State (“State”), by and through undersigned counsel, hereby moves for an extension of time to complete its final production of documents in this Freedom of Information Act (“FOIA”) case. As explained below, on December 21, 2015, State will produce to Plaintiffs all responsive, non-exempt documents that State knew about as of December 4, 2015. However, State has very recently located a source of potentially-responsive documents that has not previously been searched. State does not presently have enough information to estimate accurately the time required to complete searches of these documents, and so it proposes that it file a status report with the Court on **January 22, 2016**, in which it will provide the Court with an update on the status of the search and production of any responsive, non-exempt documents from this new source. Plaintiffs consent to the requested extension. Because co-defendant Department of Defense’s proposed final production deadline is not until May 31, 2016, State anticipates that its request to extend its final production deadline to ensure

the completeness of its response to Plaintiff's FOIA request will not impact any other deadlines in this case.<sup>1</sup> The instant motion is supported by good cause as follows:

2. This case involves a FOIA request, sent to multiple federal agencies, for disclosure of documents related to the September 11, 2012 attack on the American embassy in Benghazi, Libya. (ECF No. 1). Since March 16, 2015, State has made a number of rolling productions to Plaintiff of records responsive to its request. In their July 3, 2015 joint status report, the parties jointly proposed that State would continue making rolling productions, culminating in a final production on October 26, 2015. In this joint status report, Defendant Department of Defense proposed that it would produce to Plaintiffs any responsive, non-exempt documents no later than May 31, 2016. State proposed that it submit its *Vaughn* index with its dispositive motion, once all defendant agencies had finished producing responsive records. The Court has not entered the parties' proposed scheduling order, but State made productions to Plaintiffs on July 6, 2015, and August 31, 2015.

3. On October 16, 2015, State filed an unopposed motion for a 39-day extension of time until December 4, 2015 to complete its final production of documents, which was granted by minute order dated October 23, 2015. (ECF No. 37). On December 4, 2015, State filed an unopposed motion for a 17-day extension of time until December 4, 2015 to complete its final production, which was granted by minute order dated December 6, 2015. (ECF No. 38).

4. State has been working diligently to complete its review of documents responsive to Plaintiffs' requests and will make a production on December 21, 2015, which will include all responsive, non-exempt documents that State knew about as of December 4, 2015. However, State only very recently learned of a source of potentially-responsive documents that has not

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<sup>1</sup> Plaintiffs opposed the Department of Defense's proposed production schedule, and sought an order from the Court requiring the Department of Defense to complete all productions by October 30, 2015. (ECF No. 32).

been searched in response to Plaintiffs' requests. Although State does not presently have enough information to accurately estimate the time required to process and produce any responsive documents from this new source, it does not believe that it will require additional time beyond the Department of Defense's proposed production deadline of May 31, 2016. Accordingly, State's requested extension will have no other effects on the current schedule of this case, including any summary judgment briefing. This is the third extension that State has requested in this case.

5. If granted the requested extension, State will file a status report with the Court on **January 22, 2016**, in which it will provide the Court with an update on the status of the search and production of any responsive, non-exempt documents from this new source.

6. Plaintiffs do not oppose this requested extension.

7. A proposed order is attached.

Dated: December 21, 2015

Respectfully submitted,

BENJAMIN C. MIZER  
Acting Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Branch Director

*s/ Megan A. Crowley*  
MEGAN A. CROWLEY  
N.Y. Bar No. 4930376  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW, Room 7221  
Washington, D.C. 20001  
Email: [megan.a.crowley@usdoj.gov](mailto:megan.a.crowley@usdoj.gov)  
Telephone: (202) 305-0754  
Fax: (202) 616-8470

*Attorneys for Defendant Department of State*