

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

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

**CIA’S RESPONSE TO PLAINTIFF HALL’S STATEMENT OF  
FACTS AS TO WHICH THERE IS NO GENUINE DISPUTE**

Pursuant to Federal Rules of Civil Procedure 56 and Local Rule 7(h), defendant Central Intelligence Agency (“CIA”) respectfully submits its Response to Plaintiff Hall and SSRI’s Statement of Material Facts.

1. CIA denies that referrals in this case have been outstanding for five years. Mr. DiMaio’s Declaration speaks for itself with regards to the referral process. Plaintiff’s assertion is denied to the extent that it conflicts with that document. Dkt. No. 109-2.

2. Mr. Koch’s Declaration speaks for itself with regards to CIA’s obligation to search operational files in this case. Plaintiff’s assertion is denied to the extent that it conflicts with that document. Dkt. No. 54-2.

3. Executive Order 12812 speaks for itself. Plaintiff’s assertion is denied to the extent that it conflicts with that document.

4. Immaterial. The Woolsey letter speaks for itself. Plaintiff’s assertion is denied to the extent that it conflicts with that document. Moreover, this paragraph appears to challenge the adequacy of the CIA’s search. In demonstrating that a FOIA search is adequate, “the agency

must demonstrate that it has conducted a ‘search reasonably calculated to uncover all relevant documents. . . The question is not whether any other documents might exist that would possibly responsive to the request, but rather whether the search for those documents was adequate.” Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

5. CIA does not have sufficient knowledge to admit or deny what records Hall may have obtained from other sources. Moreover, this paragraph appears to challenge the adequacy of the CIA’s search. In demonstrating that a FOIA search is adequate, “the agency must demonstrate that it has conducted a ‘search reasonably calculated to uncover all relevant documents. . . The question is not whether any other responsive document m, but rather whether the search for those documents was adequate.” Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

6. CIA does not have sufficient knowledge to admit or deny what records Hall may have obtained from other sources. Moreover, this paragraph appears to challenge the adequacy of the CIA’s search. In demonstrating that a FOIA search is adequate, “the agency must demonstrate that it has conducted a ‘search reasonably calculated to uncover all relevant documents. . . The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.” Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

7. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall's personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA's search. In demonstrating that a FOIA search is adequate, "the agency must demonstrate that it has conducted a 'search reasonably calculated to uncover all relevant documents. . . The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.'" Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

8. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall's personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA's search. In demonstrating that a FOIA search is adequate, "the agency must demonstrate that it has conducted a 'search reasonably calculated to uncover all relevant documents. The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.'" Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

9. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall's personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA's search. In demonstrating that a FOIA search is adequate, "the agency must demonstrate that it has conducted a 'search reasonably calculated to uncover all relevant documents. . . The question is

not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.” Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

10. Immaterial. CIA does not have sufficient knowledge to admit or deny this assertion.

11. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall’s personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA’s search. In demonstrating that a FOIA search is adequate, “the agency must demonstrate that it has conducted a ‘search reasonably calculated to uncover all relevant documents. . . The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.” Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

12. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall’s personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA’s search. In demonstrating that a FOIA search is adequate, “the agency must demonstrate that it has conducted a ‘search reasonably calculated to uncover all relevant documents. . . The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.” Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

12 [13]. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall's personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA's search. In demonstrating that a FOIA search is adequate, "the agency must demonstrate that it has conducted a 'search reasonably calculated to uncover all relevant documents. . . The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate." Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

13 [14]. Immaterial. These allegations are inadmissible assertions (and not facts) under Fed. R. Civ. P. 56(e) because they are not based on Hall's personal knowledge, and Hall is not an expert on the issue. Moreover, this paragraph appears to challenge the adequacy of the CIA's search. In demonstrating that a FOIA search is adequate, "the agency must demonstrate that it has conducted a 'search reasonably calculated to uncover all relevant documents. . . The question is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate." Steinberg v. DOJ, 23 F.3d 548, 551 (D.C. Cir. 1994) (internal citation omitted) (emphasis in original). Thus, whether additional documents on a topic might exist is immaterial to whether an adequate search was conducted.

Respectfully submitted,

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