

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

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<b>ROGER HALL, <u>et al.</u>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 04-00814 (HHK)</b>
	)	
<b>CENTRAL INTELLIGENCE AGENCY,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**DEFENDANT’S PROPOSED CASE MANAGEMENT PLAN & BRIEFING SCHEDULE**

Pursuant to the Court’s memorandum opinion and order filed on November 12, 2009 (“Order”), defendant the Central Intelligence Agency (“Defendant” or “CIA”), by and through undersigned counsel, hereby submits the following proposed case management plan and briefing schedule to govern future proceedings in this case:

The CIA endeavored to reach a compromise with Plaintiffs but was unable to agree with Plaintiffs’ proposed plan and briefing schedule because of the exceedingly brief response times Plaintiffs demanded. Plaintiffs, for example, informed the undersigned AUSA that they insisted the CIA review several thousands of pages of Senate Select Committee documents and produce non-exempt documents pursuant to section III.A.1 of the Court’s opinion, in addition to the other requirements of the Court’s opinion – within sixty (60) days. To respond thoroughly and accurately to the Court’s order, the CIA must coordinate among several CIA components, which in many cases is very time consuming. In addition to coordinating among components, the information that needs to be reviewed and processed will require a sufficient amount of time to ensure completion. For example, the Court’s requirement in section III.C.7 of its opinion that the CIA make specific findings concerning the segregability of each document withheld will

require meticulous review. As a practical matter, FOIA's requirement to release portions of documents that can reasonably be segregated means that CIA's reviewers must literally conduct a word-by-word review of each sentence of every document in order to guard against the inadvertent release of critical national security information and to ensure that the CIA properly withholds information pursuant to FOIA exemptions (b)(1) and (b)(3), among other applicable exemptions.

As such, Plaintiffs' proposal of a sixty (60) day response period is simply not administratively feasible given the size of the CIA's FOIA claims processing staff and their current workload. The CIA receives a high volume of FOIA requests each year and broad requests are common. The CIA's ample FOIA workload was illustrated by its most recent FOIA Annual Report to Congress, which noted that the CIA received 1,935 FOIA requests and processed 1,698 requests during fiscal year 2008. See Central Intelligence Agency Freedom of Information Act Annual Report Fiscal Year 2008 at 7, attached. Moreover, the CIA strives to process FOIA requests as expeditiously and as fairly as possible, and has a good historical record of reducing the backlog of FOIA cases. In light of its demanding FOIA workload and the rigor required to respond thoroughly to the Court's November 12, 2009, Opinion, Plaintiffs' proposal of a sixty (60) day response period ignores the administrative challenges of conducting time-consuming FOIA processing.

Accordingly, with respect to the requirements imposed by the Court in parts III.A.1-4, III.B.1.i, III.B.2, III.C.1-3, III.C.5.i-ii, III.C.6, and III.C.7 of its November 12, 2009, memorandum opinion, the CIA proposes that it respond within one-hundred-eighty (180) days of the entry of the case management plan. The CIA further proposes that any opposition to the CIA's supplemental filings, be they in the form of supplemental briefing, declarations, Vaughn

indexes, or otherwise, will be filed within thirty (30) days after filing of the CIA's response. The CIA further proposes that any reply to the opposition be filed within thirty (30) days after the filing of any opposition.

Dated: January 08, 2010

Respectfully submitted,

/s/  
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