

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

ROGER HALL, et al.,

Plaintiffs,

v.

**CENTRAL INTELLIGENCE,
AGENCY,**

Defendant.

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Civil Action No. 04-0814 :
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(HHK)
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PROPOSED ORDER

Pursuant to the Court’s memorandum Opinion and Order (“Memorandum Opinion.”) filed on November 12, 2009, the Court hereby orders the parties to comply with the following Case Management Plan and Briefing Schedule:

1. With respect to the requirements imposed by the Court in section III.A.1 of the Mem. Op., the Central Intelligence Agency (“CIA”) shall, no later than 120 days from the date of this Order, review all relevant records of the Senate Select Committee on POW/MIA Affairs and release all nonexempt records or portions thereof that were created by the CIA or any other executive branch agency;

2. With respect to the requirements imposed by the Court in section III.A.2 its Mem. Op., the CIA shall (1), within 60 days of the date of this Order, provide a supplemental declaration explaining whether the CIA is able to verify the identity of persons whose names appear on two lists submitted by plaintiffs by date and place of birth but not by, for example, social security number; and (2) if the CIA determines that it is able to verify the identity of persons whose names are contained on these lists using the information provided by plaintiffs, the CIA shall conduct an appropriate search and provide all nonexempt records, or portions thereof identified as a result within 120 days of the date of this Order;

3. With respect to the requirements imposed by the Court in section III.A.3. of its Memorandum Opinion, the CIA shall (1), within 60 days of hereof, submit a declaration explaining why it cannot conduct a search of requests submitted by congressional committees and executive branch agencies for records pertaining to missing POW/MIAs; (2) if it can conduct such a search it shall release all nonexempt records or portions thereof within 120 days of the date of this Order;

4. With respect to the requirements specified by the Court in section

III.A.4 of its Memorandum Opinion, the CIA shall, within 60 days of the date of this Order provide a supplemental briefing and/or declaration describing the steps it has taken to ensure that its referrals are being processed, the date(s) on which those steps were taken, and the results;

5. With respect to the requirements imposed by the Court in section III.B.1.i of its Memorandum Opinion, the CIA shall, within 60 days of the date of this Order provide a declaration which

(a) describes its search method, including search terms, data bases searched, and other relevant information that will allow the Court to evaluate whether the Agency's search was adequate;

(b) provides sufficiently detailed information to allow the Court to address Plaintiff Hall's objections to the search. Specifically, the Agency should address whether it used both "Prisoner of War" and "Prisoners of War" as search terms. If it did not, it must either explain why the unused form would not have turned up any additional responsive documents or perform a new search using that term. The Agency should also indicate whether its retrieval system is case-sensitive. Additionally, the CIA should explain why it believes its search terms are sufficient to locate responsive documents or why Plaintiff Hall's suggested additional search terms were not necessary or useful for the Item 3 request;

(6) With respect to the requirements imposed by the Court in section III.B.2 of its Memorandum Opinion, the CIA (1) shall provide within 60 days of the date of this Order a supplemental declaration explaining why components of the CIA other than the one that it conducted its Item 6 search in are unlikely to have records responsive to that Item of Plaintiff Hall's request; and (2) if it determines that other components of the CIA should be searched, the CIA shall, within 120 days of the date of this Order, conduct any further search(es) and release all nonexempt records or portions thereof;

7. With respect to the requirements imposed by the Court in sections III.C.1. ("November 2005 withholdings"), III.C.2 ("Exemption 1"), III.C.2 ("Exemption 2") III.C.5 ("deliberative process privilege" and "attorney-client privilege"), III.C.6 ("Exemption 6") of its Memorandum Opinion, (a) the CIA shall, within 180 days of the date of this Order provide an inventory listing all records responsive to Plaintiffs' request that it has released in whole or in part. The inventory shall specify the item of the request to which a document is responsive, the number of pages in the document, the number of pages redacted or withheld, and the exemption claims asserted; (b) Plaintiffs shall have 60 days to select a sample Vaughn index not to exceed 400 pages unless the total number of withheld responsive records exceeds 1,000 pages, in which case the selected sample shall include either

up to 400 pages or 10 percent of the total number of withheld pages, whichever is greater; (c) The CIA shall have 60 days thereafter to prepare and file its Vaughn sample index and a dispositive motion; the Vaughn sample shall be prepared in accordance with this Court's instructions on segregability as set forth in Section III.C.7 of this Court's Memorandum Opinion.

8. Plaintiffs shall have 30 days to respond to the CIA's dispositive motion.

It is by the Court this _____ day of _____, 2010, so ORDERED.

UNITED STATES DISTRICT