

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

<p>ROGER HALL, <u>et al.</u>,</p> <p style="padding-left: 40px;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CENTRAL INTELLIGENCE AGENCY,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 1:04-cv-00814-HHK</p>
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DEFENDANT’S NOTICE OF ANTICIPATED FILING OF SUPPLEMENTAL ITEM 4 & ITEM 5 DOCUMENTS

The Central Intelligence Agency (“CIA” or “Defendant”), by and through undersigned counsel, respectfully files this notice of anticipated filing of the supplemental Item 4 and Item 5 documents, accompanying Vaughn indices, and supporting declarations. In the CIA’s reply (“Reply”) to Roger Hall’s and Accuracy in Media, Inc.’s (collectively, “Plaintiffs”), opposition to the CIA’s Supplemental Response to the Court’s November 12, 2009, Order, the CIA stated the following:

[T]he CIA has taken affirmative steps to ensure the continued processing of all Item 4 and Item 5 coordination documents. As a result, the CIA is making a good-faith effort to ensure that all outstanding referral and coordination documents are being processed pursuant to the FOIA.

(...)

As previously explained in the Cole Declaration, the CIA located 167 Item 4 documents that would affect the interests or activities of another federal agency. See Cole Decl. ¶ 55. In accordance with section 3.6 of Executive Order 13526, the CIA provided copies of those documents to the appropriate agencies for coordination. The CIA subsequently contacted each agency and obtained all outstanding responses in July 2011. See Culver Decl. ¶ 17. The CIA is currently processing and will release all Item 4 coordination documents to Plaintiffs, which will include a Vaughn index for each document and supporting declaration, by September 30, 2011. Id.

(...)

The CIA has also taken affirmative steps to confirm the processing of the outstanding Item 5 referral and coordination documents. See Culver Decl. ¶ 18. As noted in the Supplemental Cole Declaration, the CIA located records responsive to Item 5 that originated with other agencies, or that contained information the disclosure of which would affect the interests or activities of other agencies, and were therefore subject to referral or coordination in accordance with Section 3.6 of Executive Order 13526. On January 21, 2011, the CIA sent to the relevant agencies the non-CIA originated documents for referral and direct response to Plaintiffs, as well as all CIA-originated documents for coordination. Id. While certain coordination documents remain outstanding as of July 2011, the CIA is taking affirmative steps to follow up with the appropriate agencies with the intention of processing and releasing all Item 5 coordination documents to Plaintiffs by September 30, 2011. Id.

Def.'s Reply to Pl.'s Opp. to Def.'s Supp. Resp at 24-25 (footnotes omitted).

Since the CIA filed its Reply on July 18, 2011, it has diligently cooperated with the coordination agencies to process and release all remaining Item 4 and Item 5 coordination documents that have yet to be provided to Plaintiffs. Because the coordination agencies require additional time to process the documents and provide Vaughn indices and supporting declarations, the CIA will be unable to provide the documents to Plaintiffs by September 30, 2011. The CIA therefore respectfully notifies the Court that it anticipates providing all outstanding Item 4 and Item 5 coordination documents to Plaintiffs not later than November 30, 2011.

Dated: September 28, 2011
Washington, D.C.

Respectfully submitted,

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