

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

<p>ROGER HALL, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CENTRAL INTELLIGENCE AGENCY,</p> <p style="text-align: center;">Defendant.</p>

Civil Action No. 04-00814 (RCL)

ORDER

Before the Court is the CIA’s Motion for summary judgment and plaintiffs’ Cross-Motion for summary judgment, as well as plaintiffs’ Motions for discovery and *in camera* review. Upon consideration of Judge Kennedy’s November 12, 2009 Memorandum Opinion and Order [137]; CIA’s Supplemental Response pursuant to the Court’s 2009 Memorandum Opinion and Order [148]; AIM [163] and Hall’s [166] responses to defendant’s supplemental response to the Court’s 2009 Order; CIA’s reply to plaintiffs’ responses to CIA’s supplemental response [169]; CIA’s supplemental items 4 and 5 response to the Court’s November 12, 2009 Memorandum Opinion and Order [177]; AIM’s Response to CIA’s supplemental responses to the Court’s memorandum Opinion and Order [181]; Memorandum of points and authorities in support of plaintiffs’ supplemental memorandum regarding this Courts November 12, 2009 Order and in opposition to defendant’s supplemental items 4 and 5 response to Court’s November 12, 2009 Order [182]; defendant’s response in support of its May 15, 2012, filing and in opposition to plaintiffs’ requests for discovery and *in camera* review [184]; the applicable law; and the entire record in this case; it is hereby

ORDERED that on the issue of the adequacy of the CIA's Item 5 search, the CIA's Motion for summary judgment is DENIED and plaintiffs' Cross-Motion for summary judgment is GRANTED; and it is further

ORDERED that on the issue of the adequacy of the CIA's Item 7 search, the CIA's Motion for summary judgment is DENIED and plaintiffs' Cross-Motion for summary judgment is GRANTED; and it is further

ORDERED that on the issue of Item 3 referral and coordination documents, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of Item 4 referral and coordination documents, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of Item 6 coordination documents, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of Item 5 referral documents, the CIA's Motion for summary judgment is DENIED and plaintiffs' Cross-Motion for summary judgment is GRANTED; and it is further

ORDERED that on the issue of the adequacy of the CIA's Item 3 search, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of the adequacy of the CIA's Item 4 search, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of the adequacy of the CIA's Item 6 search, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of additional searches for specifically referenced attachments to documents (Item 7), the CIA's Motion for summary judgment is DENIED and plaintiffs' Cross-Motion for summary judgment is GRANTED as to the following 14 documents: C00482286, C00465737, C00482286, C00492378, C00492397, C00492546, C00478688, C00492526, C00471978, C00478651, C00492461, C00492546, C00472096 and C00483710; and it is further

ORDERED that on the issue of additional searches for records detailing events that may have produced additional records that are missing, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED as to the following nine documents: C00465439, C00472095, C00482214, C00493228, C00479111, C00479111, C00493325, C00478741, and C00480204; and it is further

ORDERED that on the issue of the CIA's Exemption 1 withholdings, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of the CIA's Exemption 2 withholdings, the issue is now MOOT; and it is further

ORDERED that on the issue of the CIA's Exemption 3 withholdings, the CIA's Motion for summary judgment is GRANTED in regard to all withholdings except the 29 names withheld under ¶ 5B of the Tisdale Declaration, and plaintiffs' Cross-Motion for summary judgment is GRANTED as to the 29 names (unless those names are not on the PNOK list); and it is further

ORDERED that on the issue of the CIA's Exemption 5 withholdings, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of the CIA's Exemption 6 withholdings, the CIA's Motion for summary judgment is GRANTED, except for the redactions concerning the names of non-CIA employees and photographs, and plaintiffs' Cross-Motion for summary judgment is GRANTED as to those names and photographs, and is otherwise DENIED; and it is further

ORDERED that on the issue of segregability, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of discovery, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that on the issue of *in camera* inspection, the CIA's Motion for summary judgment is GRANTED and plaintiffs' Cross-Motion for summary judgment is DENIED; and it is further

ORDERED that the following issues shall remain outstanding:

1. The inadequate search for Item 5 documents.
2. The inadequate search for Item 7 documents.
3. The inadequate disposition of Item 5 referral documents.

4. Production of the names (and photographs) where defendants' Exemption 3 and 6 claims have been rejected.

As to these issues, the parties shall submit, no later than 20 days from this date, a joint proposed case management plan and briefing schedule to govern the further proceedings in this case. If the parties are unable to agree, each shall submit its own plan and schedule by that date.

The CIA shall establish a deadline for referral documents. If the responsible agency does not provide a sufficient basis for the CIA to justify the continued withholding by *Vaughn* affidavit, the CIA shall release the documents.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, on August 3, 2012.