

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

_____)	
JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-CV-1363 (EGS)
)	
UNITED STATES DEPARTMENT OF)	
STATE,)	
)	
Defendant.)	
_____)	

NOTICE OF JOINT PROPOSED ORDER

Attached hereto is the parties' Joint Proposed Order.

Dated: April 15, 2016

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha
D.C. Bar No. 995749
JUDICIAL WATCH, INC.
425 Third Street S.W., Suite 800
Washington, DC 20024
(202) 646-5172

Counsel for Plaintiff Judicial Watch, Inc.

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Director

/s/ Caroline Lewis Wolverton
CAROLINE LEWIS WOLVERTON (DC 496433)
Senior Trial Counsel
STEVEN A. MYERS (NY 4823043)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.

Washington, D.C. 20530

Tel.: (202) 514-0265

Fax: (202) 616-8470

Email: caroline.lewis-wolverton@usdoj.gov

Attorneys for Defendant

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

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-CV-1363 (EGS)
)	
UNITED STATES DEPARTMENT OF)	
STATE,)	
)	
Defendant.)	

JOINT [PROPOSED] ORDER

This matter is before the Court on Plaintiff Judicial Watch’s Proposed Discovery Plan, ECF No. 58-1. The Court stated during the February 23, 2016 hearing that discovery is necessary for the Court to “determine, as a matter of law, [whether] considering all the circumstances in this case, [the Department of State (“State Department” or “State”)] has, indeed, as a matter of law, conducted an adequate search to ensure compliance with [Plaintiff’s] FOIA request[.]” Transcript of February 23, 2016 Motion Hearing (“Transcript”) at p. 78. In view of that statement, having considered Plaintiff’s proposed plan, State’s response, Plaintiff’s reply, and the parties’ jointly proposed order, and recognizing that Defendant has not waived its objection to discovery, it is hereby ORDERED that:

1. The scope of permissible discovery shall be as follows: the creation and operation of clintonemail.com for State Department business, as well as the State Department’s approach and practice for processing FOIA requests that potentially implicated former Secretary Clinton’s and Ms. Abedin’s emails and State’s processing of the FOIA request that is the subject of this action. Plaintiff is not entitled to discovery on matters unrelated to whether State conducted an

adequate search in response to Plaintiff's FOIA request, including without limitation: the substantive information sought by Plaintiff in its FOIA request in this case, which involves the employment status of a single employee; the storage, handling, transmission, or protection of classified information, including cybersecurity issues; and any pending FBI or law enforcement investigations.

2. At the conclusion of a deposition State may elect in good faith on the record to have a period of three business days following the time that a deposition transcript or audiovisual recording is made available to the parties within which to review those portions of the transcript or audiovisual recording that may contain classified information, information specifically exempted from disclosure by statute, or information about any pending FBI or law enforcement investigations, and, if necessary, to seek an order precluding public release, quotation or paraphrase of any inadvertently disclosed classified information, information specifically exempted from disclosure by statute, or information about any pending FBI or law enforcement investigations. The decision to elect the three-business-day period is in State's sole discretion and may not be challenged.

3. Discovery shall be conducted pursuant to the Federal Rules of Civil Procedure, subject to the scope and limitations herein.

4. Defendant shall serve its answers and any objections to the four interrogatories set forth in Plaintiff's proposed discovery plan, ECF No. 58-1 (Mar. 15, 2016), within 21 days of the Court's order.

5. Discovery shall be completed within eight weeks of the Court's order. Plaintiff reserves the right to seek additional time if necessary, and Defendant reserves the right to object. Plaintiff must seek the Court's permission to conduct discovery beyond the depositions identified

in paragraph 1 of its discovery plan and the interrogatories identified in paragraph 5 of its discovery plan, ECF No. 58-1, and Defendant reserves the right to object.

6. Plaintiff removes Donald R. Reid from the list of individuals identified in paragraph 1 of its discovery plan while reserving the right to seek the Court's permission to take his deposition at a later time, and State reserves the right to object.

SO ORDERED.

Dated _____

EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE