

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

CITIZENS FOR RESPONSIBILITY AND)
ETHICS IN WASHINGTON)
1400 Eye Street, N.W., Suite 450)
Washington, DC 20005)
)
Plaintiff,)
)
v.)
)
CENTRAL INTELLIGENCE AGENCY)
Washington, DC 20505)
)
Defendant.)
_____)

Case No. 1:07CV00620-RMC

JOINT STATUS REPORT

Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) filed this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to challenge defendant Central Intelligence Agency’s response to CREW’s FOIA request seeking records of “communications between the White House and CIA regarding Valerie Plame Wilson and/or Joseph Wilson from July 6, 2003 to the present.” Compl. ¶ 1. As such, this action is ordinarily exempt from the requirements of Rule 26(f) of the Federal Rules of Civil Procedure. *See* L. Civ. R. 16.3(b) (exempting “FOIA actions” from requirements of Local Rule 16.3 and Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure). By Order of May 14, 2007, however, this Court ordered the parties to meet and confer. Pursuant to that order, counsel for the parties conferred by telephone on May 31, 2007 and now submit the following joint report:

1. Defendant intends to move for an *Open America* stay based on its claim that exceptional circumstances require that the CIA have additional time to process plaintiff’s FOIA request.

2. During the meet and confer on May 31, 2007, counsel discussed whether the parties could agree to the stay or alternatively agree to a briefing schedule for defendant's motion. Plaintiff's counsel indicated that plaintiff intends to oppose defendant's motion for a stay.

3. The parties were unable to agree on a briefing schedule and therefore respectfully request that the Court enter a scheduling order for defendant's stay motion.

PLAINTIFF'S POSITION

1. Plaintiff notes that in its Answer, defendant did not mention or otherwise refer to the need for a stay of this action. Plaintiff believes that given the discrete topic of its FOIA request – “communications between the White House and the CIA regarding Valerie Plame Wilson and/or Joseph Wilson” – that a stay would be inappropriate and would simply delay the processing of its FOIA request.

2. Plaintiff proposes the following briefing schedule for defendant's contemplated motion:

Defendant's Opening Brief	July 16, 2007
Plaintiff's Opposition Brief	July 30, 2007
Defendant's Reply Brief	August 6, 2007

DEFENDANT'S POSITION

1. By letter dated February 27, 2007, CIA informed plaintiff that the agency processes FOIA requests on a “first-in, first-out basis” and only makes exceptions to that rule “when a requester establishes a compelling need under the standards in our regulations.” Compl. Ex. B; *see also* 32 C.F.R. § 1900.34 (“Requests for expedited processing”). Plaintiff has not established such a compelling need, and therefore its February 15, 2007 FOIA request is being processed in

the order received. *See* Compl. ¶ 18 (“CREW never requested that the CIA expedite the processing of its FOIA request”).

2. Defendant proposes the following briefing schedule for its contemplated motion:

Defendant’s Opening Brief	August 6, 2007
Plaintiff’s Opposition Brief	August 20, 2007
Defendant’s Reply Brief	August 27, 2007

Dated: June 14, 2007

s/ Kimberly D. Perkins
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2007, a true and correct copy of the foregoing Joint Status Report was electronically filed through the U.S. District Court for the District of Columbia Electronic Document Filing System (ECF) and that the document is available for viewing on that system.

s/ Jacqueline Coleman Snead
JACQUELINE COLEMAN SNEAD