

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ )	
ELECTRONIC PRIVACY )	
INFORMATION CENTER )	
)	
Plaintiff, )	
v. )	No. 1:09-cv-2084 (RMU)
)	
UNITED STATES DEPARTMENT OF )	
HOMELAND SECURITY )	
)	
Defendant. )	
_____ )	

**PLAINTIFF’S STATEMENT OF GENUINE ISSUES IN OPPOSITION TO  
DEFENDANT’S STATEMENT OF MATERIAL FACTS**

In accordance with LCvR 7(h), Plaintiff the Electronic Privacy Information Center submits this statement of genuine issues in opposition to Defendant’s statement of material facts.

13. **Defendant’s alleged fact:** “The Declarations of Kevin J. Janet, TSA’s FOIA Officer, and Mark Roberts, the Acting Manager of TSA’s Sensitive Security Information (SSI) Branch, set forth the details of the scope of TSA’s search, as well as the grounds for all of TSA’s withholdings pursuant to the FOIA Exemptions at issue between the parties.”

**Genuine issue:** Plaintiff denies that the referenced affidavits “set forth ... the grounds for all of TSA’s withholdings” in this matter insofar as Defendant’s statement implies the legal conclusion that the grounds alleged in the affidavits are proper. Plaintiff does not dispute that the referenced affidavits set forth grounds which the TSA alleges to support the agency’s withholdings. *Plaintiff’s Memorandum of Points and Authorities in*

*Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's  
Cross-motion for Summary Judgment.*

Respectfully submitted,

/s/ John Verdi

MARC ROTENBERG

JOHN VERDI

Electronic Privacy Information Center

1718 Connecticut Ave. NW

Suite 200

Washington, DC 20009

(202) 483-1140

*Counsel for Plaintiff*

Dated: June 28, 2010