

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES MADISON PROJECT

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY

Defendant.

Civil Action No. 08-0708 (JR)

* * * * *

RESPONSE TO DEFENDANT’S LOCAL RULE 7(h) STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE

Pursuant to Local Rule 7.1 (h), the plaintiff respectfully responds to the defendant’s Statement of Material Facts as to Which There is No Genuine Issue with the following statement, which is supported by the Rule 56(f) Declaration of Bradley P. Moss, Esq., Deputy Executive Director, James Madison Project (“Moss Decl.”).

1. Plaintiff does not dispute this statement.
2. Plaintiff does not dispute the factual recitations of these statements.
3. Plaintiff does not dispute the factual recitations of these statements.
4. Plaintiff does not dispute this statement.
5. Plaintiff does not dispute the factual recitations of these statements in that

processing was concluded after searches were undertaken, but does dispute any legal characterizations or conclusions that such searches were diligent, adequate, or reasonable enough to locate any responsive records. Moss Decl. at ¶¶ 11,18.

6. Plaintiff does not dispute the factual recitations of these statements in that particular components and databases were identified particular components and databases

as those which would be searched for responsive records, but does dispute any legal or factual characterizations or conclusions that those components and databases were most likely to have responsive records or were the only components or databases that could contain responsive records. Plaintiff also does not dispute the factual recitations of these statements in that the CIA utilized specific search terms to conduct the search, but does dispute any legal or factual characterizations or conclusions that the particular search terms rendered the search adequate or reasonable enough to locate any responsive records, or that additional search terms should not have reasonably been utilized. Moss Decl. at ¶¶ 16-17.

7. Plaintiff does not dispute the factual recitations of this statement in that the searches conducted failed to locate any responsive records, but does dispute any legal characterizations or conclusions that such searches were diligent, adequate, or reasonable enough to locate responsive records. Moss Decl. at ¶ 18.

8. Plaintiff does not dispute the factual contents of the CIA's letter dated July 11, 2008.

Date: August 11, 2008

Respectfully submitted,

/s/

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