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Subject: Activity in Case 1:19-cv-02934-CRC AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF STATE Order

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U.S. District Court

District of Columbia

Notice of Electronic Filing

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Case Name: AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF STATE

Case Number: [1:19-cv-02934-CRC](#)

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Docket Text:

MINUTE ORDER: Pending receipt of the State Department's [25] sworn declaration describing its expedited search, the Court deferred ruling at the December 3, 2019 Hearing on two outstanding disputes between the parties described in their [19] Joint Status Report. Having now reviewed that declaration, the Court finds that the Department has not adequately justified why its Executive Secretariat used a cut-off date of August 2, 2019 in conducting the searches of the Department's highest offices. First, it has not explained what the "exploratory" searches purportedly conducted on that date entailed or how those searches complied with the Department's obligation under FOIA to search for records created up to the date of its search. Second, an August 2nd search cut off appears inconsistent with the fact that Plaintiff did not seek expedited processing until September 20, 2019, with government counsel's representation on October 17, 2019 that State was "still crafting a general search strategy," Teleconference Tr. at 4, counsel's representation on October 23, 2019 that State was "doing all these searches since last week," P.I. Mot. Hr'g Tr. at 20, and with other Department components' use of October 18th as the cut-off date, see Stein Decl. paras. 39, 42, 46, 49.

As a result, the Court hereby **ORDERS** the State Department to supplement the expedited portion of the search using at least October 18, 2019 as the cut-off date for all components conducting the search. It is further **ORDERED** that State shall produce all non-exempt responsive documents on or before January 8, 2020.

In light of this ruling, the Court declines at this time to order expedited processing of the other records sought to be prioritized by Plaintiff, namely (1) informal records reflecting the contents of the President's July 25, 2019 call and (2) communications with two named State Department officials. Signed by Judge Christopher R. Cooper on 12/13/2019. (lccrc3)

1:19-cv-02934-CRC Notice has been electronically mailed to:

Elizabeth J. Shapiro [REDACTED]

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Daniel Alexander McGrath [REDACTED]

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