

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GRANT F. SMITH

Plaintiff,

v.

Civil No. 1:15-cv-01431 (TSC)

CENTRAL INTELLIGENCE AGENCY

Defendant.

PLAINTIFF'S PROPOSED SCHEDULE

Plaintiff Grant F. Smith respectfully submits the following information pertaining to the proposed schedule based on communications with the Defendant's DOJ counsel Joseph Borson, in compliance with Judge Tanya s. Chutkan's order signed 4/4/2017.

On 4/14/2017 in preparation for travel without reliable Internet access, Plaintiff communicated to Joseph Borson "Hope you are well. I'll be traveling early next week with a spotty internet connection, so I wanted to kick off 'conferring' by email. The lawsuit seeks 'production of the Central Intelligence Agency (CIA) intelligence budget that pertains to line items supporting Israel for the years 1990-2015.' It is my position that those numbers exist and could be released to me within two weeks after the status hearing, say by May 11, 2017."

The same date, Joseph Borson responded "I hope that you are well, and that your travels go smoothly. I appreciate you reaching out, and I apologize for the delay, I've been away from my desk for much of the day.

In terms of next steps, the CIA is considering moving to reconsider the court's ruling

that the existence of the records in question have been officially acknowledged on the grounds that it made several factual conclusions that are incorrect. I assume that you would oppose such a motion, but under the local rules, I need to ask for your position. We're hoping to get that motion on file sometime next week.

With respect to the joint status report, since the CIA's need to search/process materials would be contingent on the outcome of that motion, we would propose that the parties would file a status report asking the court to defer setting a schedule pending the resolution of that motion. If the court denies that motion, we would then file a status report covering processing of the documents within, say, two to four weeks after the court resolves the motion. If you would like, we can also suggest a briefing schedule for the motion in the joint status report.

Separately, if we determine that a status hearing is necessary, would you oppose asking the court to reset it from April 27? I will be in Montana that day attending a court-ordered mediation session before a magistrate judge. I am largely free any day after May 2. “

Plaintiff indicated on April 15 “I'm going to think this over for a bit. Thanks” and on Monday April 17 communicated “I'm hitting the road, so here you go for now.

1. I do oppose any motion to reconsider.
2. I'm comfortable with my original request for information release by May 11.
3. I absolutely believe a status hearing is necessary, and unavoidable.
4. Since you have scheduling issues, but this is urgent for me for a number of reasons,

I propose we request moving the status hearing to April 24.”

On April 21, 2017, on behalf of Defendant CIA, Joseph Borson filed a Motion for

Reconsideration (ref doc 18) that was unresponsive to Judge Chutkan's Minute Order mandating a jointly proposed schedule due today with a Status Conference set for 4/27/2017 at 10:30 AM in Courtroom 2 in the event no agreement was reached in a proposed schedule.

For the record, in conferring no agreement was reached on a proposed schedule.

Rather, Defendant's Motion for Reconsideration (ref doc 18) is a "second bite at the apple" attempt to re-argue the denial of the Defendant's Motion for Summary Judgement (ref doc 17) by this court.

Since no agreement has been reached on the actual issue at hand, Plaintiff individually asserts his original schedule proposed in conferring with the Defendant, "information release by May 11."

Plaintiff also requests the opportunity to reveal and submit as exhibits, at 10:30 AM in Courtroom 2 using CIA information received in prior FOIA actions, information revealing why key Defendant assertions and claims made in ref doc 18 are demonstrably false and should not impede a bona fide processing of the original FOIA and immediate release of the information requested.

Dated April 24, 2017

Respectfully submitted,

Grant F. Smith, Pro Se
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