

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

OFFICE OF ADMINISTRATION,

Defendant.

Civil Action No. 07-964 (CKK)

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, it is this 15th day of January, 2009, hereby

ORDERED that CREW's [62] Renewed Motion for Stay Pending Appeal is GRANTED; it is further

ORDERED that OA shall preserve all records, no matter how described, currently in its possession or under its custody or control, which are potentially responsive to CREW's April 16, 2007 and April 18, 2007 FOIA requests. In addition, OA is required to physically segregate such documents from the records of the incoming administration and shall authorize only the Chief Administrative Officer of OA, or his or her designee, to access the records for the sole purpose of ensuring the records are properly preserved and stored until the D.C. Circuit issues a ruling and mandate resolving CREW's appeal in the above-captioned case. At that time, by court order, the Chief Administrative Officer, or his or her designee, shall process the records as required. That is, unless otherwise required by court order, if the D.C. Circuit affirms that OA is not an "agency" under the FOIA, such that the records are subject to the PRA, "the Archivist of the United States

shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President,” as provided in the PRA, and OA shall transfer all such documents to the Archivist’s custody. If, however, the D.C. Circuit finds that OA is subject to the FOIA or the FRA, OA shall retain the records at issue in order to process CREW’s FOIA requests; it is further

ORDERED that OA shall not transfer any potentially responsive records out of its custody or control without leave of this Court.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge