

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND ETHICS
IN WASHINGTON,

Plaintiff,

v.

UNITED STATES GENERAL SERVICES
ADMINISTRATION,

Defendant.

Civil Action No. 18-377 (CRC)

DEFENDANT’S STATEMENT OF MATERIAL FACTS NOT IN GENUINE DISPUTE

Pursuant to Local Civil Rule 7(h), Defendant United States General Services Administration (“GSA”) respectfully submits this Statement of Material Facts Not in Genuine Dispute.

1. Plaintiff submitted a Freedom of Information Act (“FOIA”) request dated July 12, 2017, to GSA seeking the following 6 categories of records:

- a. “[C]opies of all records from January 20, 2017 to the present explaining the decision of GSA, announced on July 11, 2017, to cancel the procurement for the new FBI headquarters consolidation project. This request includes, but is not limited to, records from GSA Public Buildings Service, GSA Office of the Administrator, and the National Capital Region”;
- b. “copies of communications between GSA Regional Commissioner Mary Gibert and GSA Administrator Tim Horne from January 20, 2017 to the present concerning GSA’s decision to cancel the procurement for the new FBI headquarters consolidation project”;

- c. “copies of email communications between either Mary Gibert and Tim Horne and any individual at the eop.gov domain from January 20, 2017 to the present concerning GSA’s decision to cancel the procurement for the new FBI headquarters consolidation project”;
- d. “copies of communications between FBI officials and GSA concerning GSA’s decision to cancel the procurement for the new FBI headquarters consolidation project”;
- e. “copies of communications between the Office of Management and Budget and GSA concerning GSA’s decision to cancel the procurement for the new FBI headquarters consolidation project”; and
- f. “copies of records sufficient to show the amount of federal funds expended to evaluate the final three locations designated by GSA as possible sites for the new FBI headquarters in Fairfax, Virginia and Prince George’s County, Maryland.”

See Declaration of Travis Lewis, dated August 6, 2018 (“Lewis Decl.”), Ex. A.

2. GSA identified the Office of the Chief Information Officer (“OCIO”) and Public Building Service (“PBS”) as the offices within GSA that were most likely to have responsive records. *Id.* at ¶¶ 6, 11.

3. GSA’s search encompassed both paper and electronic records. *Id.* at ¶ 9.

4. By letter dated March 20, 2018, GSA advised Plaintiff that it had no records responsive to the first five categories of the request and produced the record responsive to the sixth category of the request. *Id.* at Ex. B.

5. Thereafter, GSA discovered that it inadvertently used the name “Mary Gilbert,” rather than the name “Mary Gibert,” to conduct its initial searches. *Id.* at ¶ 14.

6. OCIO performed a subsequent search using the name “Mary Gibert.” *Id.*
7. The subsequent search returned approximately 28 responsive pages, which were subsequently produced to Plaintiff on or about July 6, 2018. *Id.* at ¶ 15; Ex. C.
8. GSA carefully reviewed all responsive records located by their searches to identify information contained within them that is subject to a FOIA exemption. *Id.* at ¶ 21.
9. GSA protected information that is subject to the deliberative process privilege pursuant to FOIA Exemption 5. *Id.* at ¶ 19; Ex. D.
10. GSA protected agency employees’ signatures and cellphone numbers pursuant to FOIA Exemption 6. *Id.*
11. GSA released all reasonably segregable portions of the responsive records. *Id.* at ¶ 21.

Dated: August 6, 2018

Respectfully submitted,

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Chief, Civil Division

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