

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

GENERAL SERVICES
ADMINISTRATION,

Defendant.

Civil Action No. 18-cv-2071-CKK

**PLAINTIFF’S RESPONSE TO DEFENDANT’S STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE, AND
STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF PLAINTIFF’S
THIRD CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Civil Rule 7(h), Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) submits this Response to Defendant General Services Administration’s (“GSA”) Statement of Material Facts as to Which There Is No Genuine Issue, ECF No. 45-2, and Statement of Undisputed Material Facts in Support of Plaintiff’s Third Cross-Motion for Summary Judgment.

I. CREW’s Response to GSA’s Statement of Material Facts as to Which There Is No Genuine Issue

1. On or about July 30, 2018, Plaintiff submitted a FOIA request, reproduced as Exhibit 1, to Defendant in which Plaintiff sought “copies of all communications from January 20, 2017 to the present between GSA and the White House concerning the renovations of the FBI headquarters.” Compl. ¶ 13; Ex. 1 (July 30, 2018, FOIA Request); Decl. Travis Lewis (“Lewis Decl.”) ¶ 4.

Plaintiff’s Response: This paragraph is not disputed.

2. GSA conducted searches for electronic and hard copy documents, locating 52 pages of records responsive to the request. Lewis Decl. ¶¶ 4–11.

Plaintiff’s Response: This paragraph is not disputed to the extent it refers only to GSA’s second search for responsive records in this case.

3. Before completing those searches, the parties engaged in communications to identify acceptable search terms, which GSA then employed in its search. Ex. 2 (October 22–25, 2018, email exchange); Lewis Decl. ¶ 5.

Plaintiff’s Response: This paragraph is not disputed to the extent it refers only to GSA’s second search for responsive records in this case.

4. GSA searched electronically for responsive records using the following search parameters:

Date range: January 20, 2017 to July 30, 2018

Custodians: emails between any GSA email address and any White House/EOP email address

Search terms:

headquarters

HQ

demoli!

renov!

rebuild

demo! W/3 rebuild [**explanation:** looking for all variations of demo! Within three words of rebuild]

“demolish rebuild”

remodel!

“construction project”

“new construction”

President W/10 order! OR direct! OR instruct! OR decide! OR want! [**explanation:** looking for all variations of these words within 10 words of President]

POTUS W/10 order! OR direct! OR instruct! OR decide! OR want! [**explanation:** looking for all variations of these words within 10 words of POTUS]

operating lease

leaseback

PA Ave!

Pennsylvania Avenue

Lewis Decl. ¶ 5.

Plaintiff's Response: This paragraph is not disputed to the extent it refers only to GSA's second search for responsive records in this case.

5. Upon becoming aware of Plaintiff's proposed search terms, Travis Lewis, GSA's Director of the Freedom of Information Act & Records Management Division of the Office of Administrative Services, tasked GSA's Office of the Chief Information Officer ("OCIO") to conduct a search for responsive records using terms recommended by Plaintiff. Lewis Decl. ¶¶ 5-6; Ex. 2.

Plaintiff's Response: This paragraph is not disputed to the extent it refers only to GSA's second search for responsive records in this case.

6. OCIO is the office within GSA that has access to all of the agency's electronic records and conducts all of the agency's electronic discovery searches for any potentially responsive documents. Lewis Decl. ¶ 6.

Plaintiff's Response: This paragraph is not disputed.

7. OCIO searched all agency employees' emails for responsive electronic records via the search parameters requested by the FOIA requester. Lewis Decl. ¶ 6.

Plaintiff's Response: This paragraph is not disputed to the extent it refers only to GSA's second search for responsive records in this case.

8. Beyond the search for electronic records, GSA also ensured that there were no paper records in the agency's possession that were responsive to Plaintiff's FOIA request. Lewis Decl. ¶ 11.

Plaintiff's Response: This paragraph is disputed to the extent that it implies a legal conclusion that GSA located all paper documents "responsive" to Plaintiff's FOIA request,

which is not a material fact to which Plaintiff must respond. Plaintiff does not dispute that GSA conducted a search for paper records.

9. Each GSA employee who had responsive records per the OCIO search query using the terms provided by Plaintiff confirmed that they do not have any paper records that pertain to or are responsive to Plaintiff's FOIA request. Lewis Decl. ¶ 11.

Plaintiff's Response: This paragraph is not disputed to the extent it refers only to GSA's second search for responsive records in this case.

10. GSA initially withheld all of the responsive documents but later produced 25 pages from the emails and an attachment; most of these documents contained redactions, which are described in greater detail, but two pages (pages 11 and 13) were produced without redactions. Lewis Decl. ¶¶ 8-9; *Vaughn* Index at 1.

Plaintiff's Response: This paragraph is not disputed.

11. Plaintiff later commented that it viewed a communication in materials publicized by Congress which were not included in the documents released by GSA. To address this, on September 4, 2019, Duane Smith from the GSA Office of General Counsel requested OCIO conduct a second e-mail search using the following parameters:

Email addresses: gsa.gov

Dates: January 20, 2017 to July 30, 2018

Terms:

- [The specific e-mail address for] Joseph G. Lai
- [The specific e-mail address for] Tim A. Pataki
- [The specific e-mail address for] Joyce Y. Meyer
- [The specific e-mail address for] Amy H. Swonger
- [The specific e-mail address for] Daniel Q. Greenwood
- [The specific e-mail address for] Andrew D. Abrams
- [The specific e-mail address for] Kathleen L. Kraninger
- [The specific e-mail address for] Daniel Z. Epstein

The e-mail search returned tens of thousands of pages. Those were further reviewed using the key terms “EPW” and “FBI”. Lewis Decl. ¶¶ 13-14.

Plaintiff’s Response: This paragraph is disputed to the extent that it states that CREW raised to GSA’s attention the “materials publicized by Congress” only after GSA’s initial production of 25 pages. The record makes clear that CREW identified to GSA emails released by the U.S. House Committee on Oversight and Government Reform (“House Oversight”) *before* GSA conducted the search that became the subject of the parties’ first cross-motions for summary judgment. *See* GSA Ex. 2 at 2, ECF No. 45-4 (October 18, 2018 email exchange between CREW and GSA counsel discussing House Oversight emails); Def.’s Resp. to Pl.’s Stmt. of Facts ¶¶ 9-11, ECF No. 22; Mem. Op. at 11, ECF No. 26 (noting “this is not a case where Defendant uncovered additional documents *after* its initial search” but rather “Plaintiff presented Defendant with documents responsive to its FOIA request *prior* to Defendant’s supplemental search”).

This paragraph is also disputed to the extent it suggests that GSA conducted the September 4, 2019 search for email communications because CREW brought the House Oversight emails to GSA’s attention. To the contrary, GSA conducted that search because this Court ordered it to do so on July 29, 2019. *See* Mem. Op. at 12, ECF No. 26; Joint Status Report at 1, ECF No. 27 (stating GSA “completed a new search for responsive records by September 5, 2019” in response to “the Court’s July 29, 2019 Order”).

12. A total of 13 pages were subsequently found to be responsive. One page was fully releasable and 12 pages were partially redacted. Of those 12 pages, some were repetitive. The withholdings and the reasons for those withholdings are provided in the accompanying *Vaughn* Index. Lewis Decl. ¶ 15.

Plaintiff's Response: This paragraph is not disputed except to the extent that it implies a legal conclusion about the validity of GSA's withholdings, which is not a material fact to which Plaintiff must respond.

13. In an effort to alleviate concerns by Plaintiff, GSA conducted an additional search using terms and parameters vetted, approved, and confirmed by Plaintiff's counsel on April 27, 2020. The search consisted of the following:

Date Range: January 20, 2017 to July 30, 2018

Search Terms: (.eop.gov was used to capture OMB messages)

"Federal Bureau of Investigation" and ".eop.gov"

"Hoover" and ".eop.gov"

"FBI" and ".eop.gov"

"JEH" and ".eop.gov"

"Wray" and ".eop.gov"

"Rosenstein" and ".eop.gov"

"Deputy AG" and ".eop.gov"

GSA Custodian e-mail addresses:

emily.murphy@gsa.gov

daniel.mathews@gsa.gov

allison.brigati@gsa.gov

tim.horne@gsa.gov

mary.gibert@gsa.gov

robert.borden@gsa.gov

michael.gelber@gsa.gov

brennan.hart@gsa.gov

darren.blue@gsa.gov

bridget.brennan@gsa.gov

jack.stjohn@gsa.gov

Ex. 3. This new search resulted in 97 pages of responsive material. GSA released 6 pages and withheld 91 pages pursuant to Exemption 5. The withholdings and the reasons for those withholdings are provided in the accompanying *Vaughn* Index.

Plaintiff's Response: This paragraph is not disputed except to the extent that it implies a legal conclusion about the validity of GSA's withholdings, which is not a material fact to which Plaintiff must respond.

14. The documents for which GSA has claimed Exemption 5 and withheld in full consist of:

a. Category No. 1: Email communications between January 20, 2017, to July 30, 2018, between GSA and the White House concerning the renovation of FBI Headquarters (in conjunction with the presidential communications and deliberative process privileges);

b. Category No. 2: a draft copy of GSA's responses to Questions for the Record from the U.S. Senate's Committee on Environment and Public Works regarding the FBI Headquarters project sent between White House Counsel and GSA's Office of General Counsel (in conjunction with the deliberative process privilege);

c. Category No. 3: a draft copy of GSA's Office of Inspector General's Draft Review of GSA's Revised Plan for the FBI Headquarters Consolidation Project sent between White House Counsel and GSA's Office of General Counsel (in conjunction with the deliberative process privilege);

d. Category No. 4: a draft copy of correspondence from GSA's General Counsel to GSA Office of Inspector General's Counsel to the Inspector General concerning a records request for the FBI Headquarters project (in conjunction with the attorney-client privilege and deliberative process privilege);

e. Category No. 5: a White House Briefing Itinerary regarding a discussion of the future of the FBI Headquarters on January 24, 2018 (in conjunction with the presidential communications privilege); and

f. Email communications between GSA, Office of Management and Budget ("OMB"), and FBI officials concerning drafts and plans regarding communications and strategies, Congressional testimony and related correspondence, and predecisional planning for the FBI Headquarters Project (in conjunction with the deliberative process privilege) ("Category No. 6").

Vaughn Index at 2, 5-9.

Plaintiff's Response: This paragraph is disputed to the extent it implies a legal conclusion that the documents at issue are covered by Exemption 5, which is not a material fact to which Plaintiff must respond. This paragraph is also disputed to the extent it describes "Category No. 1" of GSA's Exemption 5 withholdings as consisting of "[e]mail communications

between January 20, 2017, to July 30, 2018, between GSA and the White House concerning the renovation of FBI Headquarters.” GSA has confirmed to CREW, through counsel, that the withholdings in this category actually consist of redactions made to a single January 25, 2018 email between Brennan Hart of GSA and Joseph Lai of the White House concerning the FBI headquarters project. *See* CREW Ex. 7. This paragraph is otherwise not disputed.

15. The first three documents GSA withheld in full (described in paragraphs 11(b), (c), and (d)) were drafts of documents; were predecisional in that they each preceded a decision being contemplated by the government; and were all prepared to aid in the decision-making process by GSA in assessing how to proceed regarding the FBI Headquarters project and related inquiries and records requests. *Vaughn* Index at 5-7.

Plaintiff’s Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

16. In each instance where GSA assessed whether to disclose the three documents (described in paragraphs 11(b), (c), and (d)), GSA concluded that disclosure would harm the free flow of information within GSA as it assessed how to respond. *Vaughn* Index at 5-7.

Plaintiff’s Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

17. GSA also relied on the attorney-client privilege to withhold a single document (described in paragraph 11(d)), a draft copy of correspondence from GSA’s General Counsel to GSA Inspector General’s Counsel to the Inspector General concerning a records request for the FBI Headquarters project. *Vaughn* Index at 7.

Plaintiff's Response: Plaintiff does not dispute that GSA has invoked the attorney-client privilege to withhold one document. To the extent this paragraph implies that GSA's privilege claim is valid, it sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond.

18. GSA withheld the document described in paragraph 11(d) because it addresses legal issues related to a records request for the FBI Headquarters project and related matters of policy and agency action. The communications contained in this draft correspondence were made for the purpose of providing legal advice and were confidential. *Vaughn* Index at 7.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

19. Release of the document described in paragraph 11(d) would deprive GSA staff, and the agency in general, of the benefit of confidential advice from GSA attorneys. Disclosing these communications would have a chilling effect on GSA's ability protect attorney-client communications, and stifle GSA's ability to have agency employees engage in discussions about matters of policy and agency action without concern over disclosure of any proposed agency actions prior to its occurrence. *Vaughn* Index at 7.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

20. GSA withheld the document described in paragraph 11(e) because it is a White House Briefing Itinerary regarding a discussion of the future of the FBI Headquarters. This document is a communication prepared by presidential advisers who have broad and significant

responsibility for investigating and formulating advice for the President and who exercised those responsibilities by gathering information and preparing advice and recommendations for transmission to the President regarding the future of the FBI Headquarters. Revealing these communications between presidential advisers and the President would frustrate the need for confidentiality in the communications of the Office of the President. *Vaughn* Index at 8.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

21. GSA withheld the documents described in paragraph 11(f) because these communications were deliberative and predecisional, made with the purpose of soliciting comments and feedback from others to ensure accuracy, consistency, and completeness in the ultimate communications made or documents provided to various outside parties. For some of the items (e.g., proposed testimony and answers for the record), GSA is required by Government policy to submit proposed documents to OMB for review prior to final issuance. Disclosure would jeopardize the deliberative process that ensured the final statements or documents were an accurate reflection of the positions of GSA, FBI, and OMB, and thus the entire Executive Branch, by causing confusion over versions in drafts compared to final versions and causing a chilling effect on future discussions. *See Vaughn* Index at 9.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

22. Where GSA withheld information under Exemption 6 from the email communications described on page 1 of the *Vaughn* Index, those materials consisted of White

House employee email addresses, the name and contact information for law enforcement personnel within GSA's Office of the Inspector General and federal employees' cellular telephone numbers. *See Vaughn* Index at 1.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

23. In making the determination to withhold the information based on Exemption 6 from the email communications described on page 1 of the *Vaughn* Index, GSA determined that any public interest in the release of the White House employee's email address was not outweighed by the privacy interest in nondisclosure of the actual email address. *See Vaughn* Index at 1.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

24. In making the determination to withhold the information based on Exemption 6 from the email communications described on page 1 of the *Vaughn* Index, GSA considered that it has released the name of the White House employee, so the public is aware of the employee's identity, yet releasing his actual White House email address does not provide the public with any further insight into the nature of his communications with GSA; any public interest in the release of this email address is not outweighed by the privacy interest in the non-release of the email address of the associate counsel to the President of the United States. *See Vaughn* Index at 1.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

25. In making the determination to withhold the information based on Exemption 6 from the email communications described on page 1 of the *Vaughn* Index, GSA redacted the federal employees' cellular phone number because it determined that there is no public interest in the dissemination of that information given that the employees' names and email addresses have been provided. *See Vaughn* Index at 1.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

26. In making the determination to withhold the information based on Exemption 6 from the email communications described on page 1 of the *Vaughn* Index, GSA redacted the name and contact information for law enforcement personnel within GSA's Office of Inspector General because reference to an individual's name in a law enforcement file carries a stigmatizing connotation given the subject matter of the investigation. *See Vaughn* Index at 1.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

27. In making the determination to withhold information based on Exemption 7(C) from the email communication described on page 3 of the *Vaughn* Index, GSA removed only the name and contact information of an Assistant Special Agent within GSA's Office of Inspector General that is part of a law enforcement record; GSA did so because it determined that any

public interest in the release of the identifying information for the law enforcement personnel was not outweighed by the privacy interest in its nondisclosure of his information since this information is from a law enforcement file in an ongoing investigation within the GSA Office of Inspector General. *Vaughn* Index at 3.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

28. In making the determination to withhold information based on Exemption 7(E) from the email communication described on page 4 of the *Vaughn* Index, GSA removed only the portions of the communications between an Assistant Special Agent within GSA's Office of Inspector General and the Special Assistant to the GSA Administrator regarding the basis of the Inspector General's request to interview the Administrator; GSA did so because the information reflects a specific GSA Inspector General investigative goal as part of its technique in conducting a law enforcement investigation regarding an ongoing investigation within the GSA's Office of Inspector General. The redacted portion addresses the specific topic the Office of Inspector General was reviewing and investigating, and was redacted pursuant to a request from the Office of Inspector General so as not to negatively impact the OIG's work. *Vaughn* Index at 4.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

29. When assessing whether portions of documents should be released, GSA was cognizant that "[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of portions which are exempt." Lewis Decl. ¶ 20.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

30. GSA reviewed each record line-by-line to identify information exempt from disclosure, resulting in the production of several pages of partially-released materials from which only non-exempt information was withheld from disclosure. Lewis Decl. ¶ 21.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

31. As a result of the searches and production using the line-by-line analysis, GSA has produced to Plaintiff all responsive, nonexempt records and portions of records that GSA located. Lewis Decl. ¶¶ 20-22.

Plaintiff's Response: This paragraph sets forth conclusions of law, not a statement of material fact to which Plaintiff must respond. To the extent a response is deemed required, the paragraph is denied.

II. CREW's Statement of Undisputed Material Facts

1. CREW submitted a Freedom of Information Act ("FOIA") request to GSA on July 30, 2018. GSA Ex. 1, ECF No. 45-3; Declaration of Travis Lewis ("Lewis Decl") ¶ 4, ECF No. 45-6.

2. CREW's FOIA request sought "all communications from January 20, 2017 to [July 30, 2018] between GSA and the White House concerning the renovation of the FBI headquarters." GSA Ex. 1.

3. On August 27, 2018, the GSA's Office of Inspector General released a report entitled "Review of GSA's Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project" (the "GSA OIG Report"). CREW Ex. 1.

4. The GSA OIG Report describes three in-person meetings between GSA and White House officials concerning the FBI headquarters project held on December 20, 2017; January 24, 2018; and June 15, 2018. CREW Ex. 1 at 5-6, 7-9, 11.

5. The GSA OIG Report also includes GSA's response to the report, in which:

a. GSA disputed OIG's suggestion that "the GSA/FBI project team was directed to shift planning efforts from other preferred site options at the behest of senior White House officials," claiming that "[t]his simply is not true." CREW Ex. 1 at A-2.

b. GSA insisted that "[t]he GSA and FBI representatives attending the January 24 White House meetings had already agreed and decided to locate the new headquarters at 935 Pennsylvania Avenue NW in Washington, DC," and that the "claim that GSA and FBI 'received direction from the President' at the January 24 meeting is unsubstantiated and conclusory." CREW Ex. 1 at A-3.

c. GSA denied that the White House meetings resulted in any "decision" that could be "attribute[d] . . . to the President." CREW Ex. 1 at A-3.

6. After GSA's statutory response deadlines elapsed, CREW filed this FOIA suit on September 4, 2018. Compl., ECF No. 1.

7. On October 18, 2018, the U.S. House Committee on Oversight and Government Reform ("House Oversight") publicly released several GSA emails concerning the FBI

headquarters project, including emails between GSA and White House officials. *See* CREW Exs. 2, 3.

8. The emails released by House Oversight included the following:

a. A January 25, 2018 email exchange between Joseph Lai of the White House and Brennan Hart of GSA concerning the “path forward for the new FBI Headquarters announcement,” which the “President” had “signed off on.” CREW Ex. 3 at 2281.

b. A January 28, 2018 email exchange in which GSA officials forwarded an email from an official with the Office of Management and Budget (“OMB”), and explained that the FBI headquarters project is now “a demolition/new construction [project] per the President’s instructions.” *Id.* at 2290-91.

c. A January 27-28, 2018 email exchange discussing a possible “memo” to “recap the oval meeting with what POTUS directed everyone to do” and “ask[ing] Emily [Murphy] (GSA) to execute POTUS’s orders.” *Id.* at 2296.

9. On October 18, 2018—the same day House Oversight released the GSA emails discussed above—GSA informed CREW that its search uncovered no records responsive to its FOIA request. Mem. Op. at 3, ECF No. 26.

10. CREW responded by pointing GSA to the emails released by House Oversight, which are plainly responsive to CREW’s request. Mem. Op. at 3, ECF No. 26.

11. GSA conducted another search, and this time located responsive records. But GSA’s second search, like its first one, did not uncover any of the emails released by House Oversight or related communications. Mem. Op. at 3, ECF No. 26.

12. Following GSA's second search and production, the parties cross-moved for summary judgment. The Court granted partial summary judgment for CREW, holding that GSA's second search was inadequate because GSA "fail[ed] to locate the emails which had been publicly released by" House Oversight, "despite the fact that [CREW] flagged those emails for [GSA] prior to [GSA's second] search." Mem. Op. at 2, 7, ECF No. 26.

13. The Court deferred consideration of GSA's exemption claims pending the agency's completion of an adequate search. Mem. Op. at 2, ECF No. 26.

14. GSA then completed a third search and production, and the parties again cross-moved for summary judgment. In challenging GSA's third search, CREW pointed out that GSA had failed to implement the parties' agreed-upon search terms, which were memorialized in a joint status report filed with the Court. *See* CREW 2d MSJ at 7-10, ECF No. 39.

15. CREW also highlighted several factual inaccuracies in GSA's sworn declaration. *See* CREW 2d MSJ at 7-10, ECF No. 39.

16. In response, GSA moved to indefinitely stay briefing so it could conduct a fourth search to address the continued deficiencies identified by CREW, without offering any explanation for those search deficiencies or the misstatements in its declaration. *See* GSA Mot. to Stay at 1-2, ECF No. 41.

17. The Court granted GSA's motion in part, declining to give GSA an open-ended stay and instead granting it a short extension "[i]n order to avoid extending further than is necessary the resolution of Plaintiff's FOIA request." Order at 2, ECF No. 43.

18. GSA then conducted a fourth search and made a final production to CREW on June 1, 2020. Lewis Decl. ¶¶ 16-17.

19. GSA's withholdings in this case include 118 pages withheld in full and one page withheld in part under Exemption 5, and one page withheld in part under Exemption 7(E). *See Vaughn* Index at 2, 4-9, ECF No. 45-7.

Date: August 7, 2020

Respectfully Submitted,

/s/ Nikhel S. Sus

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