

search decisions *will be presented to the Court via declaration.*” *Id.* at 6 (emphasis added). This specifically references future action and documents to which neither Mr. Negley, this Court, or indeed, even the Agency can reasonably foresee.¹

B. The Agency Does Not Refute Any of Mr. Negley’s Substantive Arguments

In his Motion, Mr. Negley explained in some detail why he believed searches were either inadequate or incomplete. *See* Dkt. 33. That evidence included examples of documents that should have been uncovered with a reasonable FOIA search. *Id.*

In its Response, the DOJ does not refute any of Mr. Negley’s contentions, instead arguing only that such arguments are premature, despite the Court-ordered briefing on this issue. The rationale behind this motion was presumably to enable the Agency to complete any additional searches *before* the revised deadline of February 20, 2017 and to address some of Mr. Negley’s issues with the searches to date. However, the Agency’s Response addresses none of those substantive issues and instead focuses on the procedural defects. Those issues are irrelevant because Mr. Negley has brought his Motion upon this Court’s order, and not prematurely as alleged by the DOJ.

Given the opportunity to provide a response to these issues, the DOJ has declined to do so.

II. CONCLUSION

Because the Agency’s only response to Mr. Negley’s Motion is to point to documents that will be produced in the future and to ignore the substantive issues raised in Mr. Negley’s Motion, Mr. Negley respectfully requests that this Court grant his motion for additional searches and/or re-searches, where appropriate.

¹ Indeed, the Agency had at least 3 weeks from this Court’s Order to submit motions relating to the reasonableness of the Agency’s prior searches to generate a declaration addressing the issues raised in Mr. Negley’s motion.

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Respectfully Submitted,

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