

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-61735-CIV-ZLOCH

BROWARD BULLDOG, INC., a Florida
corporation not for profit, and DAN
CHRISTENSEN, founder, operator and editor
of the BrowardBulldog.com website,

Plaintiffs,

vs.

U.S. DEPARTMENT OF JUSTICE and
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

DEFENDANTS' MOTION FOR PROTECTIVE ORDER

Defendants, U.S. Department of Justice (“DOJ”), and its component, Federal Bureau of Investigation (“FBI”), respectfully move, pursuant to FED. R. CIV. P. 26(c) and S.D. Fla. Local Rule 26.1(h), for a protective order providing that discovery not be permitted in this action.

This is an action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. As a general rule, discovery is not permitted in FOIA actions or, when deemed necessary, is allowed only on a limited basis. *Tamayo v. U.S. Dep’t of Justice*, 544 F. Supp.2d 1341, 1343 (S.D. Fla. 2008); *Wheeler v. C.I.A.*, 271 F. Supp.2d 132, 139 (D.D.C. 2003)(“Discovery is generally unavailable in FOIA actions.”); *Trentadue v. F.B.I.*, 572 F.3d 794 (10th Cir. 2009)(reversing the district court’s order granting the plaintiff’s motion to conduct discovery in a FOIA action on the basis that the discovery would be an abuse of judicial process); *Schiller v. I.N.S.*, 205 F. Supp.2d

648, 654 (W.D. Tex. 2002)(“Typically, discovery is not part of a FOIA case,...When discovery is permitted it is to be "sparingly granted."); *Voinche v. F.B.I.*, 412 F. Supp.2d 60, 71 (D.D.C. 2006).

Normally, discovery is deemed to be inappropriate in a FOIA action until after the agency has moved for summary judgment and submitted supporting affidavits or declarations.¹ See *Miscavige v. I.R.S.*, 2 F.3d 366, 369 (11th Cir. 1993); see also *Tamayo*, 544 F. Supp.2d at 1343. Once the agency has filed its motion for summary judgment, discovery is usually not allowed at all if the Court is satisfied that the affidavits/declarations submitted by the agency in support of its motion are sufficiently detailed, non-conclusory, and submitted in good faith. *Tamayo*, 544 F. Supp.2d at 1343-44; *Florida Immigrant Advocacy Center v. National Security Agency*, 380 F. Supp.2d 1332, 1341 n.6 (S.D. Fla. 2005); *SafeCard Services, Inc. v. S.E.C.*, 926 F.2d 1197, 1200-02 (D.C. Cir. 1991); *Grand Central Partnership, Inc. v. Cuomo*, 166 F.3d 473, 489 (2nd Cir. 1999)(citing *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 812 (2nd Cir. 1994), cert. denied, 513 U.S. 823 (1994))(discovery as to the agency's search and the exemptions it claims is generally unnecessary if the agency's submissions are adequate on their face).

In those FOIA cases where discovery has been allowed a genuine issue was raised as to the adequacy of the agency's search, its identification and retrieval procedures, or its good faith. *Tamayo*, 544 F. Supp.2d at 1344 (citations omitted); see also *Public Citizen Health Research Group v. F.D.A.*, 997 F. Supp. 56, 72-73 (D.D.C. 1998), *aff'd in part, rev'd in part*, 185 F.3d 898 (D.C. Cir. 1999)(discovery, if allowed, is typically limited to investigating the scope of the agency search for responsive documents, the agency's indexing procedures, and the like); *Heily v. Department of*

¹ FOIA actions are generally resolved on motions for summary judgment. See *Miscavige*, 2 F.3d at 369; *St. Andrews Park, Inc. v. U.S. Dep't of Army Corps of Engineers*, 299 F. Supp.2d 1264, 1267 (S.D. Fla. 2003).

Commerce, 69 Fed. Appx. 171, 174-75 (4th Cir. 2003) (when permitted discovery "generally is limited to the scope of agency's search and its indexing and classification procedures").

In cases in which a genuine issue was raised the scope of permissible discovery was limited to reasonably address the specific issue raised. *See, e.g., Weisberg*, 627 F.2d at 371; *Shurberg Broadcasting*, 617 F. Supp. at 832.

Plaintiffs have failed to present evidence sufficient to raise a genuine issue which would warrant allowing even limited discovery in this case.

As indicated in defendants' reply to plaintiffs' response to defendants' motion for summary judgment, opinions and speculations are not sufficient to raise an issue with regard to the reasonableness of the FBI's search. *See SafeCard Servs., Inc. v. SEC*, 926 F.2d 1197, 1200 (D.C. Cir. 1991)("Agency affidavits are accorded a presumption of good faith, which cannot be rebutted by purely speculative claims about the existence and discoverability of other documents.")(internal quotation marks omitted); *Grand Central Partnership, Inc. v. Cuomo*, 166 F.3d 473, 489 (2nd Cir. 1999).

Therefore, discovery should not be allowed based upon plaintiffs' speculation, or the mere possibility, that other responsive documents might exist. *See Accuracy in Media, Inc. v. National Park Service*, 194 F.3d 120, 124 (D.C. Cir. 1999)(finding "speculative criticism" of the agency's search insufficient to support plaintiff's request for discovery); *Military Audit Project v. Casey*, 656 F.2d 724, 751-52 (D.C. Cir. 1981)(finding that it was not an abuse of discretion to deny discovery which apparently would have afforded only a "bare hope of falling upon something that might impugn the affidavits")(internal quotation omitted); *see also Trentadue*, 572 F.3d at 808; *Broadrick v. Executive Office of President*, 139 F. Supp.2d 55, 63-64 (D.D.C. 2001).

Not allowing discovery merely to explore whether or not there may be other responsive records is consistent with the fact that a search is not judged by its results but by the appropriateness of the methods used to conduct the search. *See Iturralde v. Comptroller of the Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003); *see also Trentadue*, 572 F.3d at 807 (“the issue in a FOIA lawsuit challenging an agency's search for records is not whether there exist further documents responsive to a FOIA request but whether the agency conducted a reasonable search for responsive documents”); *Ethyl Corp. v. U.S. E.P.A.*, 25 F.3d 1241, 1246 (4th Cir. 1994); *Miller v. U.S. Dep’t of State*, 779 F.2d 1378, 1385 (8th Cir. 1985). In a FOIA action, the agency is not required to prove that every responsive document has been located, and a search is not presumed unreasonable if it fails to produce all relevant documents. *See Nation Magazine v. U.S. Customs Service*, 71 F.3d 885, 892 n.7 (D.C. Cir. 1995); *Miller*, 779 F.2d at 1385.

Similarly, discovery as to whether the agency files may have contained other documents in the past is inappropriate. The fact that an agency created a document or that a document existed at one time does not necessarily mean that the document still exists or that agency has retained it. *See Maynard v. C.I.A.*, 986 F.2d 547, 564 (1st Cir. 1993)(quoting *Miller*, 779 F.2d at 1385); *Williams v. United States Dep’t of Justice*, 177 Fed. Appx. 231, 233 (3rd Cir. 2006), *cert. denied*, 548 U.S. 913 (2006).

Allowing discovery in this case would be particularly inappropriate because of the nature of the records at issue. As discussed in defendants’ response to plaintiffs’ motion to strike Hardy declaration or to allow the deposition of Hardy, the circumstance in this case and the records at issue differ from those in *Miccosukee Tribe of Indians of Florida v. United States*, 516 F.3d 1235 (11th Cir. 2008), in which the district court allowed some discovery as to the agency search. The records at

issue in the *Miccosukee Tribe* case pertained to an EPA review of Florida's amendments to the Everglades Forever Act and a Phosphorus Rule. *Id.* at 1239. In this case, the records pertain to a law enforcement investigation into the possibility of terrorist-related activities. These records contain privacy-protected information regarding individuals associated with the investigation. Moreover, they contain classified information, information protected from disclosure by statute, confidential source information, and information regarding investigative techniques and procedures. The records at issue in the *Miccosukee Tribe* case did not contain these types of information. Allowing discovery in the *Miccosukee Tribe* case did not pose the risk of disclosure of the types of sensitive information at issue in this case.

Plaintiffs have served interrogatories and a request for production, copies of which are attached. Through this discovery, plaintiffs are attempting to obtain privacy-protected information pertaining to individuals. See, e.g., Interrogatories no. 9, 12, 20, and 19, and Request for Production. Plaintiffs are also seeking information, beyond what has been produced in response to their FOIA request, as to the FBI's investigation and conclusions and the basis and/or rationale behind the FBI's actions and conclusions. See, e.g., Interrogatories no. 8, 13, 14, 23, and 24, and Request for Production.

The type of written discovery which plaintiffs are seeking is that which courts have found to be particularly inappropriate in a FOIA action. Discovery is typically not permitted in FOIA actions simply to give the plaintiff the opportunity to fish for information which may be helpful to him. See *Tamayo*, 544 F. Supp.2d at 1344; *Public Citizen Health Research Group*, 997 F. Supp. at 73, citing *Founding Church of Scientology v. N.S.A.*, 610 F.2d 824, 835-37 n. 101 (D.C. Cir. 1979); *Military Audit*, 656 F.2d at 751-52; *Kay v. F.C.C.*, 976 F. Supp. 23, 34 n. 35 (D.D.C. 1997), *aff'd*,

172 F.3d 919 (D.C. Cir. 1998). Further, discovery aimed at obtaining information regarding the content of requested documents that are being withheld is not ordinarily permitted. *Tamayo*, 544 F. Supp.2d at 1345 (citing *Pollard v. F.B.I.*, 705 F.2d 1151, 1154 (9th Cir. 1983)).

Plaintiffs should not be allowed to conduct fishing expedition discovery in this FOIA action.

Even in those circumstances where the court finds that the government has not submitted sufficient information or that a factual issue has been raised, the court may, in its discretion, rather than ordering discovery, first allow the defendant agency the opportunity to address the insufficiency or issue through a supplemental declaration and/or by providing the withheld documents or information to the court for *in camera* review. See *Miscavige*, 2 F.3d at 367-68; *Tamayo*, 544 F. Supp.2d at 1344; *Ajluni v. F.B.I.*, 947 F. Supp. 599, 608 (N.D.N.Y. 1996).

For the reasons stated above, defendants request that the Court issue a protective order providing that discovery not be permitted in this case. If, upon review of defendants' motion for summary judgment, plaintiffs' response, and defendants' reply, the Court should determine that the FBI's declaration is inadequate in any respect, defendants request that, in lieu of requiring defendants to respond to discovery, the Court allow defendants to address the insufficiency through a supplemental declaration and/or by providing the withheld records and information to the court for *in camera* review.

Pursuant to S.D. Fla. Local Rule 7.1(a)(3), the undersigned counsel certifies that she conferred, prior to filing this motion, with all parties or non-parties who may be affected by the relief sought in a good faith effort to resolve by agreement the issues to be raised in this motion. Plaintiffs' counsel has advised that plaintiffs will oppose this motion.

Dated: June 19, 2013
Miami, Florida

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: *s/ Carole M. Fernandez*

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*Counsel for Defendants, U.S. Department of Justice
and Federal Bureau of Investigation*

Certificate of Service

I HEREBY CERTIFY that, on June 19, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ Carole M. Fernandez
CAROLE M. FERNANDEZ
Assistant U.S. Attorney

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IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

BROWARD BULLDOG, INC., a Florida)
corporation not for profit, and DAN)
CHRISTENSEN, founder, operator and editor)
of the BrowardBulldog.com website,)
)
Plaintiffs,)
)
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, NW)
Washington, DC 20530, and)
FEDERAL BUREAU OF INVESTIGATION,)
935 Pennsylvania Avenue, NW)
Washington, DC 20535,)
)
Defendants.)
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Plaintiff Broward Bulldog, Inc.'s
First Set of Interrogatories to the Defendants

Pursuant Federal Rule of Civil Procedure 33, plaintiff Broward Bulldog, Inc. requests that the defendants, U.S. Department of Justice and Federal Bureau of Investigation, answer the following interrogatories, within thirty (30) days from the date of the May 20, 2013, service of this request.

Definitions

1. "You" or "Your" refer to the Defendants, the U.S. Department of Justice and Federal Bureau of Investigation, and their predecessors, successors, affiliates, divisions, principals and all members, officers, employees, agents, representatives, attorneys and all other persons action (or who acted) or purporting to act (or who purported to act) on their behalf or under their direction or control.

2. "Document" means, without limitation, the original and all copies, prior drafts and translations of information in any written, typed, printed, recorded or graphic form, however produced or reproduced, of any type or description, regardless of origin or location, including

without limitation all correspondence, records, tables, charts, analyses, graphs, schedules, reports, memoranda, notes lists, calendar and diary entries, letters (sent or received), electronic records, electronic mail (e-mail), telegrams, telexes, messages (including, but not limited to reports of telephone conversations and conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, instructions, papers, files, minutes, other communications (including but not limited to, inter- and intra-office communications), questionnaires, contracts, memoranda or agreements, assignments, licenses, ledgers, books of account, orders, invoices, statements, bills, checks, vouchers, notebooks, receipts, acknowledgments, computer disc, computer tape, other computer generated matter, microfiche, microfilm, photographs, motion pictures, video tapes, photographic negatives, phonograph records, tape recordings, wire recordings, other mechanical recordings, transcripts or logs of any such recordings, all other data compilations from which information can be obtained, or translated if necessary, and any other tangible thing of a similar nature. "Documents" and "other data compilations from which information can be obtained" requires that data or computer discs and in computers be captured and translated into reasonably usable form. "Document" includes "Electronic Memory" as defined below.

3. "Communication" means any written or oral transmission of information, including, by way of example and without limitation, personal conversations, telephone conversations, letters, meetings, memoranda, telegraphic and telex communications or transmittals of documents.

4. "Person" includes both the singular and plural, and means (a) any natural person, and (b) any entity, including, but not limited to, corporation, cooperatives, bureaus, public corporations, partnerships, joint ventures, groups, clubs, associations, institutes, societies, offices, organizations, and any governmental entities or departments, agencies, bureaus, or political subdivisions thereof.

5. "Relate to" or "Relating to" means referring to, concerning, constituting, supporting, confirming, disconfirming, identifying, pertaining to, evidencing or in any way relevant to.

6. The "Hardy Declaration" refers to the declaration of David M. Hardy filed in this action as Docket Entry 25-1.

Instructions

- A. In each instance where you are asked to identify or state the identity of a person (as defined above) state with respect to each person:
- a. his/her name;
 - b. his/her last known business and residence address and telephone number;

- c. if a natural person, his/her business affiliation or employment and title and/or position, at the date of the transaction, event or matter referred to; and
 - d. if other than a natural person, the business or activity in which it was engaged as of the date of the transaction, event or matter referred to.
- B. In each instance where you are asked to identify a document, state with respect to each document:
 - a. the date of the document;
 - b. the number of pages in the document;
 - c. the title, label, file number, or other identifying description of the document;
 - d. the type of document, such as letter, memorandum, chart, or other descriptive term;
 - e. the author of the document;
 - f. the person(s) to whom the document was addressed or sent; and
 - g. the present and last known location and custodian of the document.
- C. If a privilege not to answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for each such claim.
- D. If any interrogatory cannot be answered in full, answer to the extent possible and specify reasons for inability to answer fully.

Interrogatories

1. Plaintiffs made a Freedom of Information Request dated September 26, 2011 (DE 1-5). In your response dated October 6, 2011, you stated: "You have requested records concerning a third party (or third parties)." (DE 1-6). Please describe what steps, if any, you took to locate the requested documents and identify each document that you located in response to that request.

2. Plaintiffs made a Freedom of Information Request dated October 27, 2011. (DE 1-7). In your response dated February 7, 2012, you stated: "we have determined that disclosure of the records you have requested could constitute an unwarranted invasion of personal privacy, and as such, would be exempt from disclosure pursuant to exemptions (b)(6) and/or (b)(7)(C) of the FOIA. (DE 1-11). Please describe what steps, if any, you took to locate the requested documents and identify each document that you located in response to that request.

3. In your response dated February 7, 2012 (DE 1-11), you also stated:

[A] review of our records revealed that in the aftermath of the 9/11 attacks, the FBI received a large number of calls from the public reporting suspicious activity. At no time during the course of its investigation of the attacks, known as the PENTTBOM investigation, did the FBI develop credible evidence that connected the address at 4224 Escondido Circle, Sarasota, Florida to any of the 9/11 hijackers.

Please identify each document, if any, that you reviewed in connection with the formulation of this statement and state the basis for your conclusion that at no time during the course of its investigation of the attacks, known as the PENTTBOM investigation, did the FBI develop credible evidence that connected the address at 4224 Escondido Circle, Sarasota, Florida to any of the 9/11 hijackers.

4. Plaintiffs appealed your denial of their October 27, 2011, Freedom of Information Act Request on February 23, 2012. (DE 1-12). In your response to that appeal dated February 23, 2012 (DE 1-13), you stated:

To the extent that responsive records exist, without consent, proof of death, official acknowledgment of an investigation, or an overriding public interest, disclosure of law enforcement records concerning an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. §552(b)(7)(C). I note that the FBI informed you that it conducted a search for responsive records but found “no credible evidence that connected the address at 4224 Escondido Circle, Sarasota, Florida to any of the 9/11 hijackers.” I further note that while the FBI conducted a search in this instance, the FBI properly asserted Exemption 7(C) and was not required to conduct a search for the requested records.

Please identify each document, if any, that you reviewed in the disposition of the appeal and in connection with the formulation of this statement.

5. In your initial disclosures filed in this action as Docket Entry 12 on January 9, 2013, you stated: "At this time, because defendant have not located any records responsive to plaintiffs' request, defendants do not anticipate filing a *Vaughn* index. Please describe any search that you conducted for documents responsive to the plaintiffs' Freedom of Information Act requests prior to filing your initial disclosures on January 9, 2013.

6. The Hardy Declaration states at paragraph 24 “a prior Congressional request from Senator [Bob] Graham related to 4224 Escondito Circle.” Please identify each document that you provided to Senator Graham in response to the referenced prior Congressional request.

7. The Hardy Declaration states at paragraph 25: “the FBI took the extraordinary step of reviewing potentially responsive cross-reference material.” Please identify each document in the cross-referenced material you reviewed, specifying the indexes or collections of documents that you searched or otherwise reviewed in order to locate responsive documents.

8. David Couvertier, an FBI special agent, public affairs officer, and Tampa Field Office spokesman, sent an email sent on September 15, 2011, to reporter Susan Martin, which stated:

FBI Special Agent in Charge Steven E. Ibson, Tampa Field Office, has provided the following statement:

“In order to address allegations reported in a September Miami Herald article, Link to 9/11 hijackers found in Sarasota, the FBI is furnishing the following statement to correct the public record. The FBI did follow up on the information about suspicions surrounding the referenced Sarasota home and family. Family members were subsequently located and interviewed. At no time did the FBI develop evidence that connected the family members to any of the 9/11 hijackers as suggested in the article, and there was no connection found to the 9/11 plot. The anonymous “counterterrorism officer” cited in the article apparently was not an FBI agent and had no access to the facts and circumstances pertaining to the resolution of this lead, otherwise this person would know this matter was resolved without any nexus to the 9/11 plot. Finally, all of the documentation regarding the 9/11 investigation was made available to the 9/11 Commission and the JICI.”

Dave Couvertier, Special Agent
Public Affairs Officer
FBI - Tampa Field Office Spokesman
813/253-1033 (Direct)
813/253-1000 (Switch Board)
813/289-5627 (Media Cell)

Please identify all documents received or created by the FBI in the course of the referenced follow up and in reaching the conclusion that “At no time did the FBI develop evidence that connected the family members to any of the 9/11 hijackers as suggested in the article, and here was no connection found to the 9/11 plot,” and state the basis for reaching that conclusion.

9. Please identify all documents regarding the 9/11 investigation referencing the persons residing at or owning the home at 4224 Escondido Circle, Sarasota, Florida that were made available to the 9/11 Commission and the Joint Inquiry Into the Terrorist Attacks of September 11, 2001, by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

10. On March 28, 2013, you provided a further response to the Plaintiffs' Freedom of Information Request dated October 27, 2011 ("your supplemental response"), notwithstanding your prior denial of the request and your denial of the appeal from the denial of that request. The supplemental response stated that 35 pages were reviewed and 31 pages are being released. The response also asserted that various exemptions to the disclosure requirements of the Freedom of Information Act allowed or required the withhold of all or portions of responsive documents. The documents released were Bates numbered SARASOTA 1-28 and 33-35. Please identify all documents reviewed in connection with the formulation of your supplemental response and the name and title of all persons who participated in the formulation of the response.

11. In your supplemental response you stated: "Documents were located which originated with, or contained information concerning an Other Government agency [OGA]. This information was referred to the OGA for consultation and their response had been incorporated in this release." Please identify the referenced Other Government agency, any persons at the Other Government agency with whom you communicated about Plaintiffs' request, and set forth the response that the Other Government agency provided.

12. The document Bates numbered SARASOTA-5 & SARASOTA 6, states:

Further investigation of the _____ family revealed many connections between the _____ and individuals associated with the terrorist attacks on 9/11/2001. More _____ & specifically, a _____ family member, _____, also known as, _____ DOB _____ last known address _____ Florida, was a flight student at Huffman Aviation.

Please identify all documents in your possession or control that show the “many connections” referenced in this statement.

13. Please state whether the FBI reviewed at any time records maintained by the gatehouse for the subdivision where 4224 Escondito Circle, Sarasota, Florida is located and who now has possession or control of those records or is believed by you to have possession or control of those documents.

14. Please state whether the FBI reviewed at any time any telephone or other communication records reflecting that any person who resided at or owned the home at 4224 Escondito Circle, Sarasota, Florida, contacted person who contacted or had contacted persons who are conducted or are believed by you to have conducted terrorist attacks on September 11, 2001, and who now has or is believed by you to have possession or control of those records.

15. With respect to the documents Bates numbered SARASOTA-1-35. please set forth all decisions made with respect to classification or declassification, the dates of each decision, the reasons for each decision, and the name and title of the person who made each classification decision.

16. Please identify the documents that are Bates numbered SARASOTA 29-32.

17. Please identify all documents delivered by Jone Weist to the FBI in connection with its investigation of the persons residing at or owning the home at 4224 Escondido Circle, Sarasota, Florida. Ms. Weist was the managing agent for The Estates of Prestancia Homeowners Association, Inc., the subdivision where 4224 Escondito Circle, Sarasota, Florida, is located.

18. Please state the amount of time that David M. Hardy personally spent formulating the Hardy Declaration, the name and title of any other person who participated in the formulation of the Hardy Declaration, and the amount of time each participant spent in the formulation of the Hardy Declaration.

19. Please identify all documents in your possession or control reflecting any statements by or about Wissam Hammoud and relating to persons who resided at or owned the home at 4224 Escondido Circle, Sarasota, Florida, including but not limited to the statement given by Hammoud in the presence of FBI Special Agent Leo Martinez on or about April 7, 2004.

20. Please identify all documents in your possession or control relating to Essam A. Ghazzawi, Esam Arabian Project Est., Deborah G. Ghazzawi, Anoud Esam Ghazzawi, or Abdulaziz A. Al-Hijji.

21. Please identify all documents identifying in any manner any documents that have been destroyed relating to an investigation of the persons who resided at or owned the home at 4224 Escondido Circle, Sarasota, Florida.

22. For each document relating to your investigation of the persons who resided at or owned the home at 4224 Escondido Circle, Sarasota, Florida that has been destroyed, please state the reason that the document was destroyed, and the name and title of the person who destroyed each document.

23. For each document relating to your investigation of the persons who resided at or owned the home at 4224 Escondido Circle, Sarasota, Florida that you have knowledge of but that is not in your possession or control, please state the name, address, telephone number, email address, and any other contact information for any person to whom you delivered such document or who is known or believed by you to have possession or control of the document at this time.

24. Your statements referenced in interrogatories 3, 4, and 8 above, that (1) at no time did the FBI develop evidence that connected the family members residing at or owning the home at 4224 Escondido Circle, Sarasota, Florida, to any of the 9/11 hijackers as suggested in the article, and (2) there was no connection found to the 9/11 plot, appear to be inconsistent with (1) the statement in SARASOTA 5 & 6 that investigation of the family “revealed many connections between [the family] and individuals associated with the terrorist attacks on 9/11/2001, and (2) the assertions in the Hardy Declaration at paragraphs 35 through 43 that documents or portions of documents relating to the investigation of the family members residing at or owning the home at 4224 Escondido Circle, Sarasota, Florida were properly classified as “Secret” and continue to warrant classification at the “Secret” level. If you contend that the former statements are not inconsistent with the latter, please explain the basis for your contention.

Verification

STATE OF _____)
)
COUNTY OF _____) ss.:

Sworn to and subscribed before me this ___ day of _____, 2013, by _____, an authorized representative of the United States Department of Justice and the Federal Bureau of Investigation, who personally appeared before me, is personally known to me or produced _____ as identification, did take an oath, and stated that the foregoing answers to the Plaintiff Broward Bulldog, Inc.'s First Set of Interrogatories to the Defendants are true and correct to the best of his or her knowledge and belief.

An Authorized Representative of
the United States Department of Justice and
the Federal Bureau of Investigation

Notary: _____
Print Name: _____
Notary Public, State of _____
My commission expires: _____

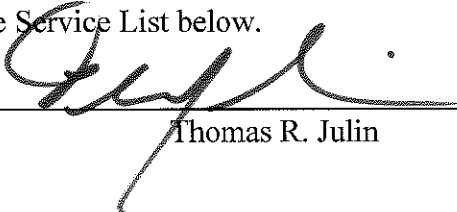
Hunton & Williams LLP
Attorneys for Broward Bulldog, Inc. and Dan Christensen

By  _____

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Miami, FL 33131
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand on May 20, 2013, to all counsel or parties of record on the Service List below.



Thomas R. Julin

SERVICE LIST

<p>Thomas R. Julin Patricia Acosta Hunton & Williams LLP 1111 Brickell Avenue, Suite 2500 Miami, FL 33131 305-810-2516 Fax 1601 Tjulin or pacosta@hunton.com Counsel for Plaintiffs, Broward Bulldog, Inc. and Dan Chistensen</p>	<p>Carole M. Fernandez Assistant U.S. Attorney Carole.Fernandez@usdoj.gov 99 N.E. 4th St., Suite 300 Miami, Florida 33132 Tel: (305) 961-9333 Fax: (305) 530-7139 Counsel for Defendants, U.S. Department of Justice and Federal Bureau of Investigation</p>
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IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA


Case No. 12-61735-Civ-Zloch

BROWARD BULLDOG, INC., a Florida)
corporation not for profit, and DAN)
CHRISTENSEN, founder, operator and editor)
of the BrowardBulldog.com website,)
)
Plaintiffs,)
)
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Avenue, NW)
Washington, DC 20530, and)
FEDERAL BUREAU OF INVESTIGATION,)
935 Pennsylvania Avenue, NW)
Washington, DC 20535,)
)
Defendants.)
<hr/>	

Plaintiff Broward Bulldog, Inc.'s
First Request for Production to the Defendants

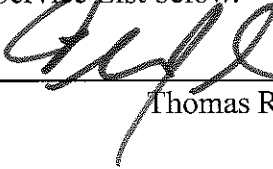
Plaintiff, Broward Bulldog, Inc., requests that the defendants produce pursuant to Federal Rule of Civil Procedure 34 all documents identified in response to Plaintiff's First Set of Interrogatories served May 20, 2013.

Hunton & Williams LLP
Attorneys for Broward Bulldog, Inc. and Dan Christensen

By 
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand on May 20, 2013, to all counsel or parties of record on the Service List below.



Thomas R. Julin

SERVICE LIST

Thomas R. Julin Patricia Acosta Hunton & Williams LLP 1111 Brickell Avenue, Suite 2500 Miami, FL 33131 305-810-2516 Fax 1601 Tjulin or pacosta@hunton.com Counsel for Plaintiffs, Broward Bulldog, Inc. and Dan Chistensen	Carole M. Fernandez Assistant U.S. Attorney Carole.Fernandez@usdoj.gov 99 N.E. 4th St., Suite 300 Miami, Florida 33132 Tel: (305) 961-9333 Fax: (305) 530-7139 Counsel for Defendants, U.S. Department of Justice and Federal Bureau of Investigation
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-61735-CIV-ZLOCH

BROWARD BULLDOG, INC., a Florida
corporation not for profit, and DAN
CHRISTENSEN, founder, operator and editor
of the BrowardBulldog.com website,

Plaintiffs,

vs.

U.S. DEPARTMENT OF JUSTICE and
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court upon the motion for protective order filed by defendants,
U.S. Department of Justice, and its component, Federal Bureau of Investigation.

Upon consideration of defendants' motion and the Court being fully apprised in the premises,
IT IS ORDERED that the motion is granted and that discovery will not be permitted in this
case.

DONE AND ORDERED in Chambers at Ft. Lauderdale, Florida, this _____ day of
_____, 2013.

WILLIAM J. ZLOCH
UNITED STATES DISTRICT JUDGE

cc: All counsel of record