

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.)
_____)

Joint Pretrial Stipulation

The parties jointly file the following pretrial stipulation pursuant to S.D. Fla. Local Gen. Rule 16.1(e).

1. Statement of the Case by Each Party.

a. Plaintiffs. This is a Freedom of Information Act (“FOIA”) enforcement action, by two plaintiffs, Broward Bulldog, Inc. and Dan Christensen, against the U.S. Department of Justice and the FBI seeking records of an investigation initiated in September 2001 against Saudi nationals who lived in Sarasota, but fled their home shortly before terrorists attacked the United States on September 11, 2001. In response to plaintiffs’ request, the defendants produced no documents and asserted that whatever responsive documents might existed were exempt from FOIA disclosure requirements by 5 U.S.C. §552(b)(6) and (b)(7)(C)

which protect personal privacy interests of persons named in the records. After the lawsuit was filed, the defendants announced, without explanation, that they had found 35 pages of records and asserted for the first time that four pages were being withheld entirely, and that portions of the records were being withheld pursuant to 5 U.S.C. §552(b)(1) and (b)(3) which exempts records classified as Secret by an Executive Order and documents required to be kept confidential by the National Security Act of 1947.

Plaintiffs contend that the defendants have not shown that they have made a good faith search for documents responsive to their request and have not shown that the records that they have found and withheld or that portions of the documents that they have redacted are exempt from FOIA disclosure requirements. Their arguments are supported in this regard by the detailed declaration of former U.S. Senator D. Robert Graham who chaired the Joint Inquiry of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence (“the Joint Inquiry”). Sen. Graham asserts in his declaration that the FBI interfered with the mission of the Joint Inquiry by concealing its Sarasota investigation, that the FBI has not produced to the plaintiffs responsive FBI investigative records that he has seen, and that the FBI should have hundreds or thousands of pages of additional documents. The documents that the FBI belatedly produced to the plaintiffs after the filing of this lawsuit reflects that the Sarasota investigation in fact found many connections between the Sarasota Saudis and persons associated with the terrorists who attacked the United States on September 11, 2001, but that the FBI has made public statements claiming that no such connections were found. The public and the press have a profound interest in understanding the apparent inconsistencies in the records and the FBI’s public statements, why the FBI concealed its investigation from the official congressional

investigations, and why no law enforcement agencies have taken any further action to determine whether the Sarasota Saudis in fact provided aid and comfort to the 9/11 terrorists.

The defendants have not carried their burden to demonstrate that they have made a good faith search for the requested records and they also have not shown that any of the asserted FOIA exemptions allow them to continue to withhold the requested records of this historic and important investigation.

b. Defendants. Defendants contend that they have conducted a reasonable search for records responsive to plaintiffs' FOIA request and properly applied FOIA exemptions to withhold information and four pages of records exempt from FOIA's disclosure requirements pursuant to 5 U.S.C. §§ 552(b)(1), (b)(3), (b)(6), (b)(7)(C), (b)(7)(D), and (b)(7)(E). Defendants also contend that any reasonably segregable non-exempt information has been provided to plaintiffs and that there are no records or information being improperly withheld from plaintiffs.

2. Basis of Federal Jurisdiction. This Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. §§ 552(a)(4)(B), and original jurisdiction pursuant to 28 U.S.C. § 1331.

3. Pleadings Raising the Issues.

a. The Complaint (DE-1).

b. Because the defendants have filed a motion to dismiss (DE-5) and no ruling has been made as yet on the motion, the defendants have not yet filed an answer.

4. Undisposed of Motions or Other Matters Requiring the Court's Attention.

a. Defendants' Motion to Dismiss the Complaint (DE-5).

b. Defendants' Motion for Summary Judgment (DE-25).

c. Plaintiffs' Motion to Strike Hardy Declaration or to Allow Deposition of Hardy (DE-26).

d. Plaintiffs' Motion for *Vaughn* Index and *In Camera* Review. (DE-27).

e. Defendants' Motion for Protective Order (DE-33).

f. Plaintiffs intend to move to compel responses to Plaintiffs' First Set of Interrogatories and First Request for Production of Documents shortly.

5. Concise Statement of Uncontested Facts Requiring No Proof at Trial and Reservations.

a. By letter dated September 26, 2011, plaintiffs submitted a FOIA request to FBI Headquarters for "information pertaining to a closed anti-terrorism investigation into the activities of Saudi nationals who lived in and/or owned a residence at 4224 Escondito Circle, near Sarasota, Florida prior to 9/11."

b. The request identified the residents at 4225 Escondito Circle and the owners of the residence by name and requested that a search be conducted of the FBI's indices to the Central Records System and the filings system of the FBI's Tampa field office.

c. By letter dated October 6, 2011, the FBI informed plaintiffs that, since their September 26, 2011, request (FOIPA Request No. 1174909-000) concerned a third party (or parties), the request could not be processed unless they provided a third party privacy waiver or proof of death or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records.

d. The FBI further advised plaintiffs that, upon request, the FBI would search for public records contained within the FBI's files.

e. The FBI also informed plaintiffs that they could appeal the FBI's response by writing to DOJ's Office of Information Policy ("OIP") within sixty days.

f. By email dated October 27, 2011, plaintiffs submitted a FOIA request to FBI Headquarters for "information pertaining to an anti-terrorism investigation regarding activities at the residence at 4224 Escondito Circle, in the Prestancia development near Sarasota, Florida prior to 9/11/2001."

g. Plaintiffs noted that "[t]his request is a modified version of FOIPA request 1174909-000" and "concerns no third parties."

h. The FBI acknowledged receipt of plaintiffs' October 27, 2011, modified request and assigned it FOIPA Request No. 1176403-000.

i. By letter dated February 7, 2012, the FBI advised plaintiffs that the records they sought are governed by the provisions of the Privacy Act and that disclosure of those records could constitute an unwarranted invasion of personal privacy pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

j. The FBI informed plaintiffs, however, that, while the FBI had received a large number of calls concerning suspicious activity in the aftermath of the 9/11 attack, no credible evidence was developed to connect the address at 4224 Escondito Circle, Sarasota, Florida to any of the 9/11 hijackers.

k. Finally, the FBI advised plaintiffs of their right to appeal the FBI's response to OIP within sixty days.

l. By letter dated February 23, 2012, plaintiffs appealed the FBI's February 7, 2012 response to OIP. OIP acknowledged receipt of plaintiffs' appeal letter and assigned it no. AP-2012-01599.

m. On May 23, 2012, OIP responded to plaintiffs' February 23, 2012, appeal letter by affirming the FBI's action on partly modified grounds. OIP noted that the FBI had conducted a search for responsive records although it was not required to do so under the circumstances.

n. Plaintiffs filed the above-captioned action on September 5, 2012.

o. The Central Records System ("CRS") is the system used by the FBI to maintain the records and information which it compiles for law enforcement purposes, including records maintained at FBI Headquarters and in FBI field offices.

p. The CRS files are searched by means of General Indices.

q. By letter dated March 28, 2013, the FBI advised plaintiffs that it had reviewed 35 pages responsive to their October 27, 2011, request and was releasing 31 pages, with information deleted pursuant to FOIA Exemptions (b)(1), (b)(3), (b)(6), (b)(7)(C), (b)(7)(D), and (b)(7)(E).

6. Issues of Fact that Remain to Be Litigated.

a. The following are factual issues which remain to be decided:

1. Whether the defendants conducted a reasonable good faith search for documents responsive to the plaintiffs' FOIA request.

2. Whether the defendants properly withheld and redacted documents responsive to the plaintiffs' FOIA request pursuant to the asserted exemptions.

b. However, it is defendant's position that these issues should not be tried because defendants have submitted evidence sufficient to establish that a reasonable search was conducted and that FOIA exemptions were properly applied, and plaintiffs have failed to present evidence sufficient to raise an issue of fact as to the reasonableness or good faith of the search.

7. Issues of Law on Which There is Agreement.

a. In a FOIA action ““the agency must show beyond material doubt . . . that it has conducted a search reasonably calculated to uncover all relevant documents,”” *Ray v. U.S. Dep’t of Justice*, 908 F.2d 1549, 1558 (11th Cir. 1990) (citations omitted), *rev’d on other grounds*, 502 U.S. 164 (1991).

b. The agency “may meet this burden by producing affidavits of responsible officials ‘so long as the affidavits are relatively detailed, nonconclusory, and submitted in good faith.’” *Id.* (citation omitted); *see also Miccosukee Tribe of Indians of Fla. v. United States*, 516 F.3d 1235, 1248 (11th Cir. 2008) .

c. “If the government agency meets its burden of proving that its search was reasonable, then the burden shifts to the requester to rebut the agency's evidence by showing that the search was not reasonable or was not conducted in good faith.” *Ray*, 908 F.2d at 1558.

d. Exemption 1, 5 U.S.C. §552(b)(1), protects from disclosure matters that are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy; and (B) are in fact properly classified pursuant to such Executive Order. Executive Order 13526, signed December 29, 2009, now governs classification of national security information.

e. The classification “‘Secret’ shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.” E.O. 13526 §1.2(a)(2).

f. Exemption 3, 5 U.S.C. §552(b)(3), exempts from disclosure under FOIA provisions matters specifically exempted from disclosure by statute (other than 5 U.S.C. §

552(b)) if that statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or establishes particular criteria for withholding or refers to particular types of matters to be withheld; and, if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to 5 U.S.C. §552(b)(3).

g. The section of the National Security Act of 1947 relied upon to withhold portions of the requested documents, 50 U.S.C. §403-1(i)(1), provides “The Director of National Intelligence shall protect sources and methods from unauthorized disclosure.”

h. Exemption 6, 5 U.S.C. § 552(b)(6), exempts from disclosure “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

i. Exemption 7(C), 5 U.S.C. §552(b)(7)(C), exempts from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

j. Exemption 7(D), 5 U.S.C. §552(b)(7)(C), exempts from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...(D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

k. Exemption 7(E), 5 U.S.C. §552(b)(7)(E), exempts from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

8. Issues of Law Which Remain for Determination by the Court.

a. Plaintiffs contend that the following are issues of law to be determined by the Court:

1. Whether the defendants’ motion for summary judgment should be granted or denied.

2. Whether the Declaration of David M. Hardy should be stricken or not and if so, whether or not the plaintiffs should be allowed the opportunity to take the deposition of Mr. Hardy.

3. Whether or not defendants should be compelled to answer the First Set of Interrogatories and produce the records sought by the First Request for Production.

4. Whether defendants should be compelled or not to conduct a further search for documents responsive to plaintiffs’ request.

5. Whether or not the defendants should be compelled to provide the Court and the defendants a *Vaughn* index of responsive documents.

6. Whether or not the defendants should be compelled to submit for *in camera* review all responsive documents.

b. Defendants contend that the following are issues of law in this case:

1. As a preliminary matter, the Court must determine whether or not it has an adequate factual basis for determination of the issues in this case, and, if not, the method by which an adequate factual basis should be provided in this case.

2. Whether or not discovery should be allowed in this case, and, if so, what limitations should be placed upon any discovery allowed.

9. Numbered List of Trial Exhibits & Objections.

Please see attached schedules.

10. Trial Witnesses.

a. Plaintiffs' Witnesses

Dan Christensen
c/o Broward Bulldog
P.O. Box 23763
Fort Lauderdale, FL 33307
954-603-1351

Subject: Mr. Christensen has knowledge of the reporting that he and Anthony Summers did concerning the FBI investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida. He also is familiar with the public controversy regarding the investigation, including whether the FBI failed to disclose the investigation to Congress.

Matthew P. Farmer
708 East Jackson Street
Tampa, Florida 33602
813.228.0095

Subject: Farmer was Wissam Hammoud's defense attorney.

Patrick Gallagher
Prestancia Resident
4186 Escondito Circle
Sarasota, FL 34238
941-923-4235 or 941-923-4235

Subject: Mr. Gallagher was a neighbor of the al-Hijjis in 2001 and is familiar with the FBI's investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida.

Michelle Gallagher
Prestancia Resident
4186 Escondito Circle
Sarasota, FL 34238
941-923-4235 or 941-923-4235

Subject: Mrs. Gallagher was a neighbor of the al-Hijjis in 2001 and is familiar with the FBI's investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida.

Daniel Robert Graham
6843 Main Street
Miami Lakes, FL 33014
305-817-4062

Subject: Sen. Graham is familiar with the investigations conducted by Congress and by the 9/11 Commission, including specifically whether the FBI provided to it records concerning its investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida. Sen. Graham also is aware of the existence of records in the possession of the Federal Bureau Investigation that pertain to its investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida.

Lee Hamilton
The Center on Congress
Indiana University
1315 E. Tenth Street, Suite 320
Bloomington, IN 47405 (812) 856-4706

Subject: Mr. Hamilton is familiar with the work done by the 9/11 Commission, including specifically whether the FBI provided to it records concerning its investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida.

David M. Hardy
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Washington, D.C. 20535

Subject: Mr. Hardy supervised the defendants' search for responsive documents and determined the applicability of the exemptions asserted.

Thomas H. Kean
Bipartisan Policy Center
1225 Eye Street, NW Suite 1000
Washington, DC 20005 (202)-204-2400

Subject: Mr. Kean is familiar with the work done by the 9/11 Commission, including specifically whether the FBI provided to it records concerning its investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida.

Leo Martinez
5525 West Gray Street
Tampa, FL 33609
813-253-1000

Subject: Mr. Martinez is an FBI agent. He conducted an interview of Wassir Hammoud at the Hillsborough County Jail on April 7, 2004.

Anthony Summers
c/o Curtis Brown Literary Agency
Haymarket House
48/49 Haymarket, London, SW1Y 4SP
011-44-207-393-4418

Subject: Mr. Summers has knowledge of the reporting that he and Anthony Summers did concerning the FBI investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida. He also is familiar with the public controversy regarding the investigation, including whether the FBI failed to disclose the investigation to Congress.

Louise Tessier
1440 First Street
Sarasota, FL 34236
941-955-1500 or 941-266-4514

Subject: The al-Hijjis contacted Ms. Tessier in May 2001 about selling their home in Prestancia. After September 11, 2001, she contacted the FBI to report that it appeared as though the al-Hijjis had abandoned their home at 4224 Escondito Circle, near Sarasota, Florida shortly before September 11, 2001.

Jone Barlow Weist
President, Gulfside Island Corp. f/k/a Barlow Group, Inc.
5310 Clark Road # 207
Sarasota, FL 34233-3229
941-232-3339

Subject: Ms. Weist was president of the property management company for the Prestancia subdivision and is familiar with the FBI investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida, including specifically its collection of financial records relating to payment of homeowner association dues on that property.

Phil Zelikow
Corcoran Department of History
University of Virginia Nau Hall - South Lawn Charlottesville, VA 22904
(434) 924-7147

Subject: Mr. Zelikow is familiar with the work done by the 9/11 Commission, including specifically whether the FBI provided to it records concerning its investigation of the owners and residents of 4224 Escondito Circle, near Sarasota, Florida.

b. Defendants' Witnesses.

David M. Hardy
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Washington, D.C. 20535

Subject: Mr. Hardy would testify to the matters set forth in his declaration filed in this action, including matters related to the administrative processing of plaintiffs' FOIA requests, the FBI's recordkeeping systems, the searches conducted for responsive records, the records located by the search, the applicable exemptions, the basis and justification for the FBI's withholding records and information, the segregability of non-exempt information, and other related matters.

11. Estimated Trial Time.

- a. Plaintiffs' Estimate. Three Days, non-jury.
- b. Defendants' Estimate. Defendants do not anticipate that any trial time will

be required in this case. This action should be resolved through means other than trial.

12. Estimated Maximum Attorney's Fees Allowable. Plaintiffs' estimate that the maximum allowable attorneys' fees in this action will be \$350,000.

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

By s/Thomas R. Julin
Thomas R. Julin & Patricia Acosta
Florida Bar No. 325376 & 614599
tjulin@hunton.com / pacosta@hunton.com
1111 Brickell Avenue - Suite 2500
Miami, FL 33131
305.810.2516 Fax 1601

Wifredo A. Ferrer
United States Attorney
Counsel for U.S. Department of Justice and
the Federal Bureau of Investigation

By s/Carole M. Fernandez
Carole M. Fernandez
Assistant U.S. Attorney
Assigned No. A5500016
Carole.Fernandez@usdoj.gov
99 N.E. 4th St., Suite 300
Miami, Florida 33132
305. 961.9333 Fax 530-7139

Schedule A

The plaintiff may offer the following exhibits at trial and the defendants may object to the admission of those exhibits on the indicated grounds:

Objection Codes:

- A Authenticity
- I Contains inadmissible matter
- R Relevancy
- H Hearsay
- UP unduly Prejudicial
- P Privileged

No.	Description of Exhibit	Objections
PX 1	0-0-1995 Clerk of the Circuit Court, Sarasota Cnty, Fla., <i>Marriage Inquiry Detail</i> , http://www.clerk.co.sarasota.fl.us/marrapp/marrdtail.asp?tb_search_hby=Bride+Name&tb_searchfor=950984++++++	R
PX 2	7-25-2001 - Royal Embassy of Saudi Arabia, <i>Prince Fahd bin Salman bin Abdulaziz Dies in Riyadh</i> , July 25, 2001, http://www.saudiembassy.net/archive/2001/news/page246.aspx	A, R, H, I
PX 3	9-19-2002 – FBI Memo To: Tampa From: Tampa, Case ID #: 265D-NY-280350-TP-2409 Title: WORLD TRADE CENTER – SARASOTA-12-14.	
PX 4	9-20-2001 – FBI Memo To: Tampa From: Tampa, Case ID #: 265D-NY-280350-TP-2409 Title: WORLD TRADE CENTER – SARASOTA-15-17.	
PX 5	4-16-2002 – FBI Memo To: Tampa From: Tampa, Case ID#: REDACTED, Title: REDACTED – SARASOTA-5 & 6	
PX 6	9-21-2001 – FBI Memo To: Tampa From: Tampa Case ID #: 265D-NY-280350-TP-3706 Title: WORLD TRADE CENTER – SARASOTA-19 & 20	
PX 7	9-21-2001 – FBI Memo To: Tampa From: Tampa Case ID #: 265D-NY-280350-TP-3771 Title: WORLD TRADE CENTER – SARASOTA-21-22	

No.	Description of Exhibit	Objections
PX 8	9-25-2001 – FBI Transcription of 9/19/2001 transcription of telephone conference with Jone Weist, Case ID #: 265D-NY-280350-TP-4961 – SARASOTA-26-27	Objection to accuracy of description
PX 9	9-25-2001 – FBI Memo To: Counterterrorism Attn: UBLU/RFU From: Tampa, Case ID #: 265D-NY-280350-TP-4959 Title: WORLD TRADE CENTER – SARASOTA-23-25	
PX 10	9-25-2001 – FBI Transcription re telephone call from Postal Inspector, Tampa, Florida on 9/20/25/2001, Case ID #: 265D-NY-280350-TP-4962 – SARASOTA-18	
PX 11	6-27-2002 – FBI Interview regarding lawsuit threatened against Prestancia – SARASOTA-10 & 11	Objection to accuracy of description
PX 12	7-22-2002 - Royal Embassy of Saudi Arabia, <i>Death of Prince Ahmad bin Salman Announced</i> , http://www.saudiembassy.net/archive/2002/news/Page246.aspx	A, R, H, I
PX 13	7-23-2002 - Royal Embassy of Saudi Arabia, <i>Prince Sultan bin Faisal bin Turki Killed in Car Accident</i> , July 23, 2002, http://www.saudiembassy.net/archive/2002/news/Page245.aspx	A, R, H, I
PX 14	7-29-2002 - Royal Embassy of Saudi Arabia, <i>Desert Tragedy Kills Prince Fahd bin Turki bin Saud Al-Kabeer</i> , July 29, 2002, http://www.saudiembassy.net/archive/2002/news/Page236.aspx	A, R, H, I
PX 15	9-11-2002 - FDLE Investigative Report – Case No. SI-73-1999 – Series #1 by Jennifer Singletary Craig regarding request of Regional Domestic Security Task Force for financial check on Esam A. Ghazzawi and others	A, R, H, I
PX 16	9-11-2002 - FDLE Investigative Report – Case No. SI-73-1999 – Series #0 request of Regional Domestic Security Task Force for financial check on Esam A. Ghazzawi and others	A, R, H, I
PX 17	9-16-2002 – FBI Memo to Tampa from Tampa with attached hand-written notes – SARASOTA-7-9	
PX 18	12-20-2002 - Report of 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, December 20, 2012	R, H, I

No.	Description of Exhibit	Objections
	http://www.gpo.gov/fdsys/search/pagedetails.action?browsePath=107/HRPT/%5B700%3B799%5D&granuleId=CRPT-107hrpt792&packageId=CRPT-107hrpt792	
PX 19	4-7-2004 – FDLE Investigative Report – Case No. FM-48-0040 by Scott F. McCallister concerning interview of Wissam Hammoud by Detective Mike Otis and FBI Special Agent Leo Martinez	A, R, H, I
PX 20	4-28-2004 - FDLE Investigative Report – Case No. FM-48-0040 by Scott F. McCallister concerning interview of Larry Berberich	A, R, H, I
PX 21	5-25-2004 – FDLE Investigative Report regarding US Attorney General and FBI Director briefing about increased threat from terrorism and requesting assistance in locating Adnan Shukrijumah.	A, R, H, I
PX 22	5-0-2004 – FBI Wanted Poster for Adnan Shukrijumah http://www.fbi.gov/wanted/wanted_terrorists/adnan-g-el-shukrijumah	R
PX 23	7-22-2004 - The 9/11 Commission Report: The Final Report of the National Commission on Terrorists Attacks upon the United States http://www.gpo.gov/fdsys/pkg/GPO-911REPORT/content-detail.html	R, H, I
PX 24	0-0-0000 - Sarasota County Property Appraiser, 2012 Detail Information for Parcel 0113-11-0006, http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-11-0006&year=2012	R
PX 24a	0-0-0000 - Sarasota County Property Appraiser, 2012 Detail Information for Parcel 0113-01-0014, http://www.sc-pa.com/search/parcel_detail.asp?year=2013&propid=0113-01-0014 & Warranty Deed to Esam and Deborah Ghazzawi, http://www.clerk.co.sarasota.fl.us/oprapp/oprbrowse.asp?pg=1	R
PX 25	0-0-2005 - Victoria S. Shabo, Note, “ <i>We Are Pleased To Report that the Commission Has Reached Agreement with the White House</i> ”: <i>The 9/11 Commission and Implications for Legislative-Executive Information Sharing</i> , 83 N.C. L. Rev. 1037, 1042 (2005)	A, R, H, I

No.	Description of Exhibit	Objections
PX 26	3-1-2006 - Stipulation at 72, <i>United States v. Moussaoui</i> (No. 01-455-A) (E.D. Va. Mar. 1, 2006), available at http://www.vaed.uscourts.gov/notablecases/moussaoui/exhibits/prosecution/ST00001A.pdf	R, I
PX 27	2-12-2009 - Testimony of Dr. Rachel Ehrenfeld, Dir., Am. Ctr. For Democracy, House Comm. on the Judiciary: Subcommittee on Commercial & Admin. Law: Hearing on Libel Tourism at 3, judiciary.house.gov/hearings/pdf/Ehrenfeld090212.pdf	R, H, I
PX 28	9-10-2009 - <i>Official 9/11 Death Toll Climbs by One</i> , CBS News, Sept. 10, 2009, http://www.cbsnews.com/2100-201_162-4250100.html	A, R, H, I
PX 29	9-15-2010 – Counterterrorism Division – Guantanamo Detainee Prosecution Section 9/11 Prosecution Section – Alleged Sarasota Link to 9/11 Hijackers – SARASOTA-1 & 2	Objection to accuracy of description
PX 30	0-0-2011 - Summer, Anthony, and Swan, Robbyn, <i>The Eleventh Day – The Full Story of 9/11 and Osama Bin Laden</i> (Ballantine Books 2011)	A, R, H, I, UP
PX 31	0-0-2011 - LinkedIn, Abdulaziz Alhijji, http://sa.linkedin.com/pub/abdulaziz-alhijji/12/687/6b3	A, R, H, I
PX 32	9-8-2011 - Summers, Anthony, and Christensen, Dan, <i>FBI Found Direct Ties Between 9/11 Hijackers And Saudis Living In Florida; Congress Kept In Dark</i> , BrowardBulldog.com (also reported in McClatchy Newspapers) http://www.mcclatchydc.com/2011/09/07/123431/fbi-probe-into-homes-link-to-911.html	R, H, I
PX 33	9-8-2011 - Anderson, Zac & Eckhart, Robert, <i>FBI Investigated Another Sarasota Link to 9/11</i> , Herald-Tribune (Sept. 8, 2011) http://www.heraldtribune.com/article/20110908/article/110909586?p=2&t c=pg	A, R, H, I
PX 34	9-8-2011 - Daily Mail Reporter, <i>Mystery Surrounds the Ritzy Home Linked to 9/11 Terrorists – and Why the FBI Didn't Tell Congressional Committee About It</i> , Daily Mail (Sept. 8, 2011) http://www.dailymail.co.uk/news/article-2035199/Mystery-surrounds-posh-Florida-home-linked-9-11-terrorists--FBI-failed-report-it.html	A, R, H, I

No.	Description of Exhibit	Objections
PX 35	9-8-2011 - Finn, Scott, <i>Sarasota Saudi Family Hosts 9/11 Attackers, Then Disappears</i> , WUSF.com (Sept. 8, 2011) http://www.wusf.usf.edu/news/2011/09/08/sarasota_saudi_family_hosts_911_attackers_then_disappears	A, R, H, I
PX 36	9-8-2011 – Memo From REDACTED To REDACTED Subject: FW: ? on Miami Herald article and new info in 9/11 hijackers – SARASOTA-28	
PX 37	9-9-2011 - Florida al-Qaeda fugitive Esam Ghazzawi linked to BCCI and two dead Saudi Princes, Daily Kos, http://www.dailykos.com/story/2011/09/09/1015098/-Florida-al-Qaeda-fugitive-Esam-Ghazzawi-linked-to-BCCI-and-two-dead-Saudi-Princes	A, R, H, I
PX 38	9-9-2011 – Email from Michael D. Leavenrock to Jay Weaver and Jay Weaver email to Dan Christensen	A, R, H, I
PX 38	9-10-2011 - Christensen, Dan, and Summers, Anthony, <i>Graham Asks Obama for Answers on Saudi 9/11 Role; FBI Denies Sarasota Probe Found Ties to Plot</i> , BrowardBulldog.com http://www.browardbulldog.org/2011/09/graham-asks-obama-for-answers-on-saudi-role-in-911-fbi-denies-sarasota-probe-found-ties-to-plot/	R, H, I
PX 39	9-10-2011 - Christensen, Dan and Swan, Robbyn, <i>Mysterious 'Wife' of 9.11 Hijacker Visited Broward County Courthouse as Terrorists Struck</i> , BrowardBulldog.com (Sept. 10, 2011) http://www.browardbulldog.org/2012/09/a-broward-courthouse-tale-crops-up-of-a-visit-by-a-911-terrorists-wife/	R, H, I
PX 40	9-10-2011 - Stephen Nohlgren & Susan Taylor Martin, <i>New Evidence Links Saudi Arabia to 9/11 Hijackers: Graham</i> , Tampa Bay Times, http://www.tampabay.com/news/article1190773.ece	A, R, H, I
PX 41	9-12-2011 - Tom Jackman, <i>Did Arlington Have a More Ominous Link to 9-11?</i> , Wash. Post, Sept. 12, 2011, at http://www.washingtonpost.com/blogs/the-state-of-nova/post/did-arlington-have-a-more-ominous-link-to-9-11/2011/09/12/gIQASuBCNK_blog.html	A, R, H, I

No.	Description of Exhibit	Objections
PX 42	9-13-2011 - Christensen, Dan, <i>U.S. Rep. Castor Calls for Investigation of 9/11 Sarasota Connection; Graham Prods White House</i> , BrowardBulldog.com http://www.browardbulldog.org/2011/09/u-s-rep-castor-calls-for-investigation-of-sarasota-911-connection-graham-talks-to-white-house/	R, H, I
PX 43	9-13-2011 - Martin, Susan Taylor, <i>Saudi Couple Who Left Country Quickly Not a Threat: FBI</i> , Tampa Bay Times http://www.tampabay.com/news/saudi-couple-who-left-country-quickly-not-a-threat-fbi/1191192	A, R, H, I
PX 44	9-15-2011 - Email on September 15, 2011 from David Couvertier to Susan Martin regarding FBI Statement re Sarasota	A, R, H, I
PX 45	9-16-2011 - Christensen, Dan, <i>FBI Says Again it Found No Ties Between Sarasota Saudis and 9/11 Hijackers; Won't Release Details</i> , BrowardBulldog.com http://www.browardbulldog.org/2011/09/fbi-says-again-it-found-no-ties-between-sarasota-saudis-and-911-hijackers-but-wont-release-details/	R, H, I
PX 46	9-16-2011 - Martin, Susan Taylor, <i>FBI Disputes Story Tying Saudi Couple to 9/11 Hijackers</i> , Tampa Bay Times http://www.tampabay.com/news/article1191761.ece	A, R, H, I
PX 47	9-25-2011 - Martin, Susan Taylor, <i>Questions Over Saudis' Abrupt Exit from Sarasota Still Linger</i> Tampa Bay Times (Sept. 25, 2011) http://www.tampabay.com/news/questions-over-saudis-abrupt-exit-from-sarasota-still-lingering/1193346	A, R, H, I
PX 48	9-26-2011 – FOIA Request (Complaint Ex. 2)	
PX 49	10-27-2011 – FOIA Response (Complaint Ex. 3)	
PX 50	11-8-2011 - Bob Graham says FBI has not proved that it disclosed all it knew about 9/11 to Congress, BrowardBulldog.com	R, H, I
PX 51	11-22-2011 – Letter from U.S. Department of Justice Office of Legislative Affairs to Sen. Patrick Leahy, Chairman, Committee on the Judiciary – SARASOTA-3 & 4.	

No.	Description of Exhibit	Objections
PX 52	2-18-2012 - Anthony Summers, Neil Tweedie & Dan Christensen, <i>London-Based Oil Executive Linked to 9/11 Hijackers</i> , Telegraph, http://www.telegraph.co.uk/news/worldnews/september-11-attacks/9089896/London-based-oil-executive-linked-to-911-hijackers.html	R, H, I
PX 53	2-18-2012 - FBI Information says Sarasota Saudi praised bin Ladenl knew Broward Qaeda suspect, BrowardBulldog.com	R, H, I
PX 54	2-19-2012 - Un Milionar Saudit Care Ar Avea Legături Cu Teroriștii De La 11 Septembrie Locuiește La Londra, gandul.info (Feb. 19, 2012) http://www.gandul.info/international/un-milionar-saudit-care-ar-avea-legaturi-cu-teroristii-de-la-11-septembrie-locuieste-la-londra-9248124	A, R, H, I, UP
PX 55	2-20-2012 - Christensen, Dan, <i>Graham: FBI's Public Statements Are In Conflict with Still Secret Records of Sarasota 9/11 Probe</i> , Broward Bulldog http://www.browardbulldog.org/2012/02/graham-fbis-public-statements-are-in-conflict-with-still-secret-records-of-sarasota-911-probe/	R, H, I
PX 56	2-24-2012 - Notice of Filing of Corrected Exhibit to Affirmation of Sean P. Carter Transmitting Evidence in Support of Plaintiffs' Reply in Support of Their Motion for Relief from the Final Judgments Entered in Favor of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina at 5, <i>In re Terrorist Attacks on September 11, 2001</i> , No. 03 MDL 1570 (GBD) (S.D.N.Y. Feb. 24, 2012) (Docket Entry 2558)	R, H, I
PX 57	3-12-2012 - Summers, Anthony, and Christensen, Dan, <i>Saudi Who Left Fla. Before 9/11 Considered bin Laden a 'Hero,' Informant Told FBI in '04</i> , MSNBC (Mar. 12, 2012) http://openchannel.nbcnews.com/news/2012/03/12/10626973-saudi-who-left-fla-before-911-considered-bin-laden-a-hero-informant-told-fbi-in-04	R, H, I

No.	Description of Exhibit	Objections
PX 58	3-13-2012 - Summers, Anthony, and Christensen, Dan, <i>Classified Documents Contradict Post-9-11 Probe of Saudis, Ex-Senator Says</i> , MSNBC http://openchannel.nbcnews.com/news/2012/03/13/10656262-classified-documents-contradict-fbi-on-post-911-probe-of-saudis-ex-senator-says	R, H, I
PX 59	3-13-2012 - Jamie Reno, <i>Was the Saudi Government Involved in the 9/11 Terror Attacks?</i> , Daily Beast http://www.thedailybeast.com/articles/2012/03/13/was-the-saudi-government-involved-in-the-9-11-terror-attacks.html	A, R, H, I
PX 60	3-14-2012 - Swan, Robbyn, <i>New Questions About FBI Probe of Saudis' Post-9-11 Exodus</i> , MSNBC) http://openchannel.nbcnews.com/news/2012/03/14/10672374-new-questions-about-fbi-probe-of-saudis-post-911-exodus (also in BrowardBulldog.com)	A, R, H, I
PX 61	9-11-2012 - Unanswered Questions of 9/11: A Conversation With Bob Graham http://www.browardbulldog.org/video-bob-graham	R, H, I
PX 62	9-20-2012 - Snyder, Florence, <i>A Senator, A Reporter and the Sarasota Saudis</i> http://www.floridavoices.com/columns/florence-snyder/senator-reporter-and-sarasota-saudis .	A, R, H, I
PX 62	1-12-2013 Declaration of Jone Barlow Weist	H, R, I
PX 63	1-19-2013 – Declaration of Patrick Gallagher	H, R, I
PX 64	1-20-2013 – Declaration of Larry Berberich	H, R, I
PX 65	2-6-2013 – FROM: REDACTED (TP) (FBI) TO: REDACTED (TP) (FBI) SUBJECT: FW: Article in St. Pete Times and Purported Connection to 9/11 Hijackers – SARASOTA-33	
PX 66	3-28-2013 – FOIA Response regarding 35 pages of documents found w/attached documents	
PX 67	5-31-2013 – Declaration of D. Robert Graham	H, R, I
PX 68	5-31-2013 – Declaration of Dan Christensen	H, R, I

No.	Description of Exhibit	Objections
PX 69	0-0-2013 – Undated Intelligence Analyst, Tampa, Report – SARASOTA-34 & 35	
PX 70	Sarasota County Property Appraiser, 2012 <i>Detail Information for Parcel 0113-01-0014</i> , http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-01-014&year=2012	R
PX 71	Companies in the UK, <i>EIRAD Management Limited</i> , http://www.companiesintheuk.co.uk/lt/eirad-management	A, H, R, I
PX 72	Litigation records relating to foreclosure proceedings by the Prestancia homeowners' associations against Esam and Deborah Ghazzawi and Abdulaziz and Aboud al-Hijji.	A, H, R, I
PX 73	All Responsive Records that the Defendants May Submit to the Court for <i>In Camera</i> Review	No objection to in camera review by Court only

Schedule B

The defendants expect to offer the following exhibits at trial and the defendants may object to the admission of those exhibits on the indicated grounds:

Objection Codes:

- A Authenticity
- I Contains inadmissible matter
- R Relevancy
- H Hearsay
- UP unduly Prejudicial
- P Privileged

DX 1	Plaintiffs' FOIA request dated September 26, 2011, to FBI	
DX 2	Defendant FBI's response letter dated October 6, 2011, with enclosures	
DX 3	Plaintiffs' FOIA request dated October 27, 2011, modifying plaintiffs' September 26, 2011, request	
DX4	Defendant FBI's letter dated November 8, 2011, acknowledging receipt of plaintiffs' FOIA request	
DX 5	Defendant FBI's response letter dated February 7, 2012	
DX 6	Plaintiffs' appeal letter dated Feb. 23, 2012, to the Director, Office of information Policy (OIP)	
DX 7	OIP's March 8, 2012, letter acknowledging receipt of plaintiffs' appeal letter	
DX 8	OIP's decision letter dated May 23, 2012, in response to plaintiffs' appeal	
DX 9	Defendant FBI's response letter dated March 28, 2012, with enclosures	
DX 10	Redacted documents with coded designation of redactions and three deleted page information sheets (Exhibit K to declaration of David M. Hardy)	
DX 11	Records and information withheld from plaintiffs - <u>to be provided to the Court only, upon its request, for <i>in camera ex parte</i> review</u>	