

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. )  
\_\_\_\_\_ )

Plaintiffs' Opposed Second Request for Status Conference

Plaintiffs, Broward Bulldog, Inc. and Dan Christensen (collectively, "the Bulldog"), respectfully request a status conference in this case based on the following:

1. The Bulldog made the Freedom of Information Act request that is the subject of this action on September 26, 2011. DE-1 ¶77.
2. The defendants, the U.S. Department of Justice and the Federal Bureau of Investigation (collectively, "the FBI") filed a renewed motion for summary judgment on November 27, 2017. DE-96 & 97. The Bulldog responded on January 11, 2018, including a request for oral argument on the motion. DE-99 & 100. The FBI filed its reply on February 1, 2018. DE-104. The FBI notified the Court on August 18, 2018, that its renewed summary

judgment motion had been fully briefed for more than 90 days without a hearing on it having been set. DE-107.

2. The Bulldog submitted on January 11, 2018, with its response to the FBI's renewed motion for summary judgment, a motion to modify the protective order which prohibits discovery from being conducted. DE-101. The motion included a request for oral argument. The FBI filed its response to that motion on January 25, 2018. DE-103. The Bulldog filed its reply on February 1, 2018. DE-104. The Bulldog notified the Court on May 8, 2018, that its motion had been fully briefed for more than 90 days without a hearing on it having been set. DE-105.

4. The Bulldog is appreciative of the complexities that this case raises and the extraordinary effort that the Court has undertaken to review 80,266 pages of classified records submitted by the FBI to the Court *in camera*, as well as the FBI's November 27, 2017, *in camera* submission, pursuant to the Court's October 16, 2017, DE-95, order, of an *ex parte* explanation of its redactions and the location of the universe of responsive documents found by the FBI. DE-98.

5. Due to the passage of time since the making of its FOIA request and the filing of its lawsuit, the Bulldog has two concerns:

a. The records that the Bulldog seeks have potential immediate relevance to significant current events, including litigation now pending in the Southern District of New York by the families of the victims of the 9/11 attacks against the Kingdom of Saudi Arabia and the re-examination of the United States' alliance with the Kingdom of Saudi Arabia instigated by the murder of Jamal Khashoggi, a Saudi columnist for *The Washington Post*. The Bulldog requests that the Court take judicial notice pursuant to Federal Rule of Evidence 201(c)(2) that on

December 13, 2018, the United States Senate passed two resolutions, Senate Joint Resolution 69 and Senate Joint Resolution 54, both of which are attached as Exhibits 1 and 2.

The first, passed unanimously, states that the Senate “believes Crown Prince Mohammed bin Salam is responsible for the murder of Jamal Khashoggi” and warns that “misleading statements of the Government of Saudi Arabia regarding the murder of Jamal Khashoggi have undermined trust and confidence between the United States and the Kingdom of Saudi Arabia.”

The second, passed by a vote of 56 to 41, directs the President to remove United States Armed Forces from hostilities in or affecting the Republic of Yemen, with some exceptions, within 30 days unless a declaration of war or specific authorization has been enacted. The records sought in this action, if released, may assist public understanding and participation in these important issues. But if they are not released soon, important decisions may be reached by Congress, the Courts, and others without the benefit of the information that the records might have. The Bulldog’s interest in these matters is solely a journalistic interest in bringing to light as soon as possible relevant information.

Exhibits 3 and 4 contain relevant portions of the Congressional Record of December 13, 2018 (pages S7560-66), showing both passage of the resolutions as well as comments made in connection with their passage.

b. The Bulldog’s ability to prosecute this case may be prejudiced by the aging of witnesses and loss of relevant evidence while discovery remains stayed. The Bulldog’s motion to modify the protective order sought to mitigate that risk.

6. The Bulldog accordingly requests a status conference to ascertain whether it or the FBI can be of any assistance to the Court in hastening a ruling on the pending motions and the ultimate disposition of the case.

Respectfully submitted,

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Attorneys for Broward Bulldog, Inc., and Dan Christensen

CERTIFICATE OF CONSULTATION

I hereby certify that prior to filing this request I consulted with counsel for the defendants, Dexter Lee, and he indicated that the defendants oppose the granting of this request.

*s/ Thomas R. Julin*

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Thomas R. Julin