

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' OPPOSITION TO PLAINTIFFS'
SECOND REQUEST FOR STATUS CONFERENCE

Defendants U.S. Department of Justice and Federal Bureau of Investigation, by and through their undersigned counsel, file their Opposition to Plaintiffs' Second Request for Status Conference, and state:

Plaintiffs' Second Request for Status Conference should be denied because a status conference is unnecessary. Plaintiffs contend that they have two "concerns" about the potential relevance of records responsive to their FOIA request to significant world events. D.E. 109 at 2. They claim the records sought may have relevance to the litigation pending in the Southern District of New York, involving victims of the September 11, 2001 attacks and the Kingdom of Saudi Arabia. Additionally, plaintiffs cite to two Senate resolutions passed in response to the murder of a Saudi journalist for the Washington Post, and the reexamination of the alliance of the United States with the Kingdom of Saudi Arabia.

Plaintiffs suggest that records responsive to their FOIA request may be relevant to these

events. Presumably, if the litigants in the civil cases pending in the Southern District of New York believed the federal government had records relevant to their case, they would have sought them using discovery devices available under the Federal Rules of Civil Procedure. If the Congress believed the Executive Branch had records relevant to an inquiry into the United States' alliance with Saudi Arabia, it could certainly invoke its authority as a co-equal branch of the federal government and seek such records independently.

Plaintiffs also argue they sought a modification of the protective order to allow limited discovery due to the "aging of witnesses" and potential loss of relevant evidence. D.E. 109 at 3. Discovery in FOIA actions is extremely limited, and usually confined to the adequacy of an agency's search for responsive records. Defendants have submitted affidavits to explain the search it conducted. Additionally, the Court has had the opportunity to engage in its own in camera review of the Tampa PENTBOMB subfile, to determine if the FBI's search was reasonable. There is no reason to modify the protective order.

No status conference is necessary in this case. If the Court requires assistance from the parties, it can certainly notify them. Plaintiffs' request should be denied.

DATED: December 31, 2018

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

By: s/ Dexter A. Lee
DEXTER A. LEE
Assistant U.S. Attorney
Fla. Bar No. 0936693
99 N.E. 4th Street, Suite 300
Miami, Florida 33132
(305) 961-9320
Fax: (305) 530-7139
E-mail: dexter.lee@usdoj.gov

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 31, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ Dexter A. Lee

DEXTER A. LEE

Assistant U.S. Attorney

SERVICE LIST

Broward Bulldog, Inc. v. U.S. Department of Justice, FBI,
Case No. 12-61735-CIV-ZLOCH
United States District Court, Southern District of Florida

Thomas R. Julin, Esq.
Gunster Yoakley & Stewart, PA
600 Brickell Avenue – Suite 3500
Miami, Florida 33131
(305) 376-6007
Fax: (786) 425-4097
E-mail: tjulin@gunster.com

ATTORNEY FOR BROWARD BULLDOG, INC.,
AND DAN CHRISTENSEN