

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION,
and AMERICAN CIVIL LIBERTIES
UNION FOUNDATION,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY, et
al.

Defendants.

Civil Action No. 1:13-cv-01870 (JEB)

**GOVERNMENT’S STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE**

In support of its Motion for Summary Judgment, the Government submits the following Statement of Material Facts as to Which There is No Genuine Issue:

1. By letter dated December 19, 2013, plaintiffs submitted a FOIA request for what they called the “Panetta Report.” Their FOIA request specifically sought the following:

a report commissioned by former Central Intelligence Agency (“CIA”) Director Leon Panetta on the Agency’s detention and interrogation programs (the “Panetta Report”), which was referred to by Senator Mark Udall on December 17, 2013, during the confirmation hearing for CIA General Counsel Caroline Krass.

Lutz Decl. ¶ 5; Exhibit A thereto.

2. By letter dated December 24, 2013, the CIA indicated that it would accept and process the plaintiffs’ request, but that it was unlikely that the CIA would be able to respond to the request within 20 working days. Lutz Decl. ¶ 6; Exhibit B thereto.

3. On January 27, 2014, plaintiffs amended their complaint in this lawsuit to include a claim relating to the “Panetta Report.” Lutz Decl. ¶ 7; Pls’ Amended Complaint (ECF No. 15).

At that time, the CIA had not yet issued a substantive response to the ACLU's request. The CIA interprets plaintiffs' request to be seeking the most current version of what plaintiffs call the "Panetta Report." *Id.*

4. What plaintiff has called the "Panetta Report" is a series of more than forty draft documents ("Draft Reviews") related to the CIA's former detention and interrogation program. Lutz Decl. ¶ 8.

5. The CIA has withheld the Draft Reviews in full under Exemption 5, and portions of the Reviews under Exemptions 1 and 3.

Dated: January 21, 2015

Respectfully submitted,

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