

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN CENTER FOR LAW		)	
AND JUSTICE,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. A. No. 1:17-cv-01866
		)	
UNITED STATES DEPARTMENT OF		)	
JUSTICE,		)	
		)	
Defendant.		)	
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**SECOND DECLARATION OF DAVID M. HARDY**

I, David M. Hardy, declare as follows:

(1) I am the Section Chief of the Record/Information Dissemination Section (“RIDS”), Records Management Division (“RMD”) of the Federal Bureau of Investigation (the “FBI”), located in Winchester, Virginia. My previous declaration in this matter explains my employment history and responsibilities at the Federal Bureau of Investigation. See ECF No. 15-1, respectively, the Declaration of David M. Hardy dated February 1, 2018 (“First Hardy Declaration”). This declaration supplements and hereby incorporates by reference, the information previously provided in my first declaration.

(2) The FBI submits this declaration in support of its motion seeking additional time up to and including April 26, 2018, to perform and complete additional searches and to propose a schedule for further filings.

(3) In Plaintiff’s Opposition to the FBI’s Motion for Summary Judgment and Plaintiff’s Cross-Motion for Summary Judgment dated February 26, 2018 (hereafter

“Opposition/Cross-MSJ”), Plaintiff challenges the adequacy of the FBI’s search for responsive records and argues that the FBI should conduct additional searches.

(4) Based on some of the challenges raised by Plaintiff with regard to the search, the FBI has determined to conduct additional searching and has begun to perform the following tasks:


- a. gather additional information concerning the searches conducted within the FBI’s Security Division (“SecD”), Critical Incident Response Group (“CIRG”) and the Operational Technology Division (“OTD”);
- b. conduct a search of its Central Records System (“CRS”); and
- c. conduct searches of its classified and unclassified emails for employees identified in 1) DOJ/OIP records received from OIP for consultation; and 2) 29 pages of FBI records released to Plaintiff on November 30, 2017.

(5) Given the scope of these additional searches, the FBI respectfully requests until April 26, 2018 to provide the Court and Plaintiff with an update on the results of its search efforts. This time is needed to conduct the specific searches, to carefully review the results of the searches in order to locate documents that may be responsive to Plaintiff’s request and to assure that the FBI has fully followed through on searching reasonable locations for responsive documents. Until the FBI completes its searches and scopes any records it locates for responsiveness to Plaintiff’s request, it is unable to estimate the time needed to review and process any additional records for release to Plaintiff. The FBI will provide the court and the Plaintiff with information about the status of its searches, page count and an anticipated date for the release of any new non-exempt records subject to the FOIA.

(6) Thus, the FBI seeks an extension until April 26, 2018, to report to the court and the Plaintiff the results of its searches, an anticipated date for any new releases and a proposed schedule for additional filings in the case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22<sup>nd</sup> day of March, 2018.



DAVID M. HARDY  
Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Winchester, Virginia