

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

_____	)	
AMERICAN CIVIL LIBERTIES UNION,	)	
and AMERICAN CIVIL LIBERTIES	)	
UNION FOUNDATION,	)	
	)	
Plaintiffs,	)	Civil Action No. 1:13-cv-01870 (JEB)
	)	
v.	)	
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____		

**JOINT PROPOSED BRIEFING SCHEDULE**

Plaintiffs, American Civil Liberties Union and American Civil Liberties Union Foundation, filed this lawsuit under the Freedom of Information Act (“FOIA”) on November 26, 2013, seeking release of two records: a report by the Senate Select Committee on Intelligence (“SSCI”) concerning the Central Intelligence Agency’s (“CIA” or the “Agency”) former detention and interrogation program (the “Report”), and the CIA’s response to that Report (“CIA Response”). Defendant filed its answer on January 8, 2014. That same day, this Court issued a scheduling order, ordering the parties to “consult and file a joint proposed briefing schedule on or before January 22, 2014.” Docket # 8.

The parties have consulted, and jointly propose the following.

**I. Whether the Report is a Congressional Record or an “Agency Record”**

The parties have agreed to first brief the issue of whether the Report is an agency document subject to FOIA. In the event the Court denies Plaintiffs’ pending motion to conform the briefing schedule to that in *Leopold v. DOJ* or otherwise expedite briefing of that question, the parties propose to proceed as follows:

Defendant's Opening Brief: February 28, 2014  
Plaintiffs' Opposition Brief: March 14, 2014  
Defendant's Reply Brief: March 28, 2014

## **II. Processing Time for CIA Response**

The parties have agreed that the CIA will process the CIA Response for release, if any, by May 22, 2014. In addition, Plaintiffs intend to amend their Complaint by no later than January 27, 2014, to include a FOIA request seeking a report by the CIA concerning its detention and interrogation program that was commissioned by former CIA Director Panetta, which was referred to by Senator Mark Udall on December 17, 2013, during the confirmation hearing for CIA General Counsel nominee Caroline Diane Krass. Contingent upon Plaintiffs' amendment of their Complaint no later than January 27, 2014, the parties have also agreed that the CIA will process what Plaintiffs refer to as the "Panetta Report" for release, if any, by May 22, 2014. After processing and production of any non-exempt material, the parties will consult in an attempt to narrow the issues remaining, and will file a joint proposed briefing schedule by June 5, 2014, to dispose of the remaining issues with respect to these records, if any.

Dated: January 22, 2014

Respectfully submitted,

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