

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)	
NATIONAL ASSOCIATION OF CRIMINAL)		
DEFENSE LAWYERS,)		
)	No. 18-cv-2399-KBJ	
Plaintiff,)		
)		
v.)		
)		
FEDERAL BUREAU OF PRISONS, <i>et al.</i> ,)		
)		
Defendants.)		
<hr/>)	

PLAINTIFF’S CROSS-MOTION FOR SUMMARY JUDGMENT

Plaintiff National Association of Criminal Defense Lawyers (“NACDL”), by and through undersigned counsel, respectfully moves for summary judgment on NACDL’s Freedom of Information Act (“FOIA”) claims brought against the Federal Bureau of Prisons and the Department of Justice, including the Executive Office for United States Attorneys (“EOUSA”), Criminal Division, Office of Information Policy, and Office of Legal Counsel (collectively, “Defendants”).

EOUSA failed to establish the adequacy of its search for responsive records, as required by the FOIA. *See* 5 U.S.C. § 552(a)(3). Defendants have also failed to justify withholdings of certain records under FOIA Exemptions 4, 5, and 7, and to establish that all reasonably segregable portions of records have been released. *See* 5 U.S.C. §§ 552(a)(8), (b)(4), (b)(5), (b)(7). Therefore, Defendants have not met their obligations under the FOIA. For these and other reasons set forth in detail in the accompanying memorandum of points and authorities, NACDL is entitled to summary judgment on all of its claims.

NACDL respectfully requests that this Court enter summary judgment in its favor pursuant to Rule 56 of the Federal Rules of Civil Procedure, and grant other relief as the Court deems just and proper.

Dated: December 3, 2020

Respectfully submitted,

/s/ Megan Graham

Megan Graham (*pro hac vice*)
Catherine Crump (*pro hac vice*)
Samuelson Law, Technology & Public
Policy Clinic
U.C. Berkeley School of Law
353 Law Building
Berkeley, CA 94720-7200
(510) 664-4381
mgraham@clinical.law.berkeley.edu

Counsel for Plaintiff

Barry J. Pollack (D.C. Bar #434513)
Robbins, Russell, Englert, Orseck,
Untereiner & Sauber, LLP
1801 K Street, N.W.
Suite 411L
Washington, DC 20006
(202) 775-4514 phone
bpollack@robbinsrussell.com

Counsel for Plaintiff