

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

ELECTRONIC PRIVACY)	
INFORMATION CENTER)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:12-cv-00667(CKK)
)	
FEDERAL BUREAU)	
OF INVESTIGATION)	
)	
Defendant.)	
_____)	

NOTICE REGARDING NUMBER OF CLASSIFIED PAGES

This case concerns Plaintiff’s Freedom of Information Act (“FOIA”) request to Defendant seeking “agency records concerning the government’s use of cell-site simulator, or ‘StingRay,’ technology to track cell phones and other wireless devices.” (Compl., Dkt. 1, ¶ 2.) On July 30, 2012, Defendant moved for a stay of proceedings pursuant to 5 U.S.C. § 552(a)(6)(C), and *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976). (Dkt. 14.) The Court denied Defendant’s motion on March 28, 2013. (Dkt. 18.) As part of its ruling, the Court ordered that Defendant “produce all responsive, non-exempt records not subject to classification review to the Plaintiff on a rolling basis, but by no later than August 1, 2013.” (*Id.*) The Court further ordered Defendant to identify the number of pages potentially responsive to Plaintiff’s FOIA request that were “subject to classification/declassification review and propose a deadline for completing production of all responsive, non-exempt records.” (*Id.*)

Pursuant to the Court’s Order, Defendant files this Notice regarding the number of pages subject to classification review. Defendant identified 22,209 pages as being subject to classification review, and it has now completed the classification review process for all of these

pages. Of the 22,209 pages reviewed, Defendant determined that 3,335 were classified. All responsive, non-exempt records that had been subject to classification review will be processed and produced to Plaintiff on a rolling basis no later than August 1, 2013.

Dated: May 31, 2013

Respectfully submitted,

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Acting Assistant Attorney General

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