

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

Center for Public Integrity,

Plaintiff,

v.

Federal Election Commission,

Defendant.

Civil Action No. 17-1162 (CRC)
ECF

**PLAINTIFF’S STATEMENT ADDRESSING DEFENDANT’S STATEMENT OF
MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE DISPUTE
AND PLAINTIFF’S STATEMENT OF GENUINE ISSUES**

Plaintiff does not contest Defendant’s Statement of Material Facts as to Which There Is No Genuine Issue except that, to the extent that Defendant’s Statement asserts that Defendant or its agents reached certain legal conclusions or determinations, Plaintiff does not necessarily agree that those conclusions or determinations are correct.

There exists a genuine issue as to whether the withheld documents contain any reasonably segregable nonexempt information. Defendant’s Statement, at ¶ 4, asserts that the “fourteen pages of responsive emails ... did not contain any reasonably segregable nonexempt information, pursuant to FOIA Exemption 5.” The Declaration of Katie A. Higginbotham states, at ¶ 6, that “[t]he Administrative Law Team concluded that the remaining 14 pages of documents ... should not be released pursuant to 5 U.S.C. § 552(b)(5), because the information was covered by the deliberative process privilege and did not contain any reasonably segregable non-exempt information. The Commission’s Chief FOIA Officer concurred in these determinations.”

Defendant has not submitted evidence to support these conclusions.

Respectfully submitted,

/S/

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