

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

Dave Levinthal, et al.,

Plaintiffs,

v.

Federal Election Commission,

Defendant.

Civil Action No. 15-1624 (APM)
ECF

**PLAINTIFF’S STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE**

Pursuant to Local Civil Rule 7(h), Plaintiff submits the following statement of material facts as to which there is no genuine issue, in support of Plaintiff’s Motion for Summary Judgment, and in opposition to Defendant’s Motion for Summary Judgment:

1. By email dated July 6, 2015, Plaintiffs requested from Defendant, pursuant to the Freedom of Information Act, records including “a copy of a 2015 National Institute of Standards and Technology report — also known as the NIST study — pertaining to the Federal Election Commission’s operations.” *See* Decl. of Robert M. Kahn, ¶ 6.

2. Defendant has withheld the records referred to as “the NIST Study.” *See* Kahn Decl., ¶¶ 7-10.

3. The NIST Study was not prepared for law-enforcement purposes nor for a law-enforcement investigation. *See* Decl. of Alec Palmer, especially ¶¶ 7-15.

4. The NIST Study contains factual portions that are segregable from its recommendations. *See* Def.’s Memorandum, at 20-21.

Respectfully submitted,

/S/

Peter Newbatt Smith
D.C. Bar #458244
Center for Public Integrity
910 17th Street, N.W., 7th Floor
Washington, DC 20006-2606
202-481-1239
psmith@publicintegrity.org

Attorney for Plaintiff

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