

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JASON LEOPOLD, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Civil Action No. 1:22-cv-03009-JMC

**NOTICE OF WITHDRAWAL OF
CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

On May 24, 2023, based on events unfolding in *ACLU v. CIA*, No. 22-cv-11532-DJC (D. Mass), the parties moved to stay briefing on their cross-motions for partial summary judgment addressing the propriety of Defendants' *Glomar* responses in this action. The parties explained that if the Solicitor General were to decide not to appeal the May 11, 2023 Order issued in *ACLU v. CIA*, then the Office of the Director of National Intelligence ("ODNI") and the Department of Justice Office of Information Policy ("OIP") and National Security Division ("NSD") in the instant case would supplement their responses to Plaintiff's request for "a copy of the 'standing order' that former President Trump 'received [or had] while he was still president that authorized him to take sensitive or classified records from the Oval Office to his residence.'" Compl. ¶ 13, *see also id.* Exs. 3, 5, 9. The parties further explained that this would moot the issues that the parties are currently briefing in their cross-motions for partial summary judgment. On May 26,

2023, the Court granted the parties' motion and stayed briefing on the parties' cross-motions for partial summary judgment. *See* May 26, 2023 Minute Order.

The parties now withdraw their respective motions because the issues addressed therein are moot. Specifically, the Solicitor General determined not to appeal the May 11, 2023 Order issued in *ACLU v. CIA*, and the Government has supplemented its *Glomar* responses in that case. *See* Notice of Compliance, *ACLU v. CIA*, No. 22-cv-11532-DJC (D. Mass.), ECF No. 39. Thus, consistent with the parties' agreement in the instant case, ODNI, OIP, and NSD in this case have supplemented their responses to indicate that they possess no records responsive to Plaintiff's request. This supplemental response has mooted the issues that the parties are currently briefing.

Thus, no further briefing on the parties' cross-motions for partial summary judgment is necessary, and the parties hereby withdraw their respective motions.

Respectfully submitted this 30th day of June, 2023.

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