UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ANCIENT COIN COLLECTORS GUILD, et al., Plaintiffs,)	
v.)	Civil Action No. 07-2074 (RJL)
UNITED STATES DEPARTMENT OF STATE,)	
Defendant.))	

DEFENDANT'S STATEMENT OF UNDISPUTED FACTS

Pursuant to Local Civil Rule 7(h), Defendant United States Department of State ("State Department," "State," "Department," or "Defendant"), by and through its undersigned counsel, respectfully submits this statement of material facts as to which there exists no genuine issue:

- 1. Plaintiffs' FOIA Requests that are the subject of this action consist of eight separate requests made from July 30, 2004, to October 11, 2007. *See* Compl. at Counts I to IX (due to a numbering error there is no Count V).
 - 2. Plaintiffs' FOIA Requests in sum were as follows:
 - Count I: A FOIA request (No. 200402941) made by a faxed letter dated July 30, 2004, by IAPN and PNG requesting four reports of the CPAC. *See* Compl. at ¶ 22; Grafeld Decl. at 3-4, Ex. 1, Mot. Ex. A.
 - Count II: A FOIA request (No. 200501372) made by a faxed letter dated March 29, 2005, by IAPN and PNG requesting "the original Chinese Request for import restrictions pursuant to the 1970 UNESCO Treaty, which Request formed the basis of the PUBLIC SUMMARY" of the Chinese request displayed on State's wesbsite. *See* Compl. at ¶ 26; Grafeld Decl. at 5-7, Ex. 5, Mot. Ex. A.
 - Count III: A FOIA request (No. 200502767) amended by fax on July 6, 2005, by ACCG requesting copies of certain records related to China's request for import restrictions during the period from June 26, 2004, to December 28, 2004. *See* Compl. at ¶ 26; Grafeld Decl. at 7-9, Exs. 13-14, Mot. Ex. A.

- Count VI: A FOIA request (No. 200600298) made by letter dated January 20, 2006, by IAPN and PNG requesting "The Report of [CPAC] and any Dissents that led to the Extension of Import Restrictions on Certain Categories of Archaeological Material Representing the Pre-Classical and Imperial Roman Periods of Italy (Public Meeting Date: September 8, 2005)." See Compl. at ¶ 45; Grafeld Decl. at 9-10, Ex. 22, Mot. Ex. A.
- Count VII: A FOIA request (No. 200704168) made by letter dated July 25, 2007, by IAPN and PNG requesting records in five categories relating to the extension of import restrictions to Cypriot coins as reported in 72 Fed. Reg. 38470-74 (July 13, 2007). *See* Compl. at ¶ 49; Grafeld Decl. at 10-11, Ex. 25, Mot. Ex. A.
- Count VIII: A FOIA request (No. 200704596) made by letter dated August 1, 2007, by IAPN and PNG requesting a "copy of any request by the Republic of Cyprus for import restrictions on coins pursuant to Article 9 of the 1970 UNESCO Convention made in or about January 2007." See Compl. at ¶ 49; Grafeld Decl. at 11-12, Ex. 31, Mot. Ex. A.
- Count IX: A FOIA request (No. 2007006194) made by letter dated October 11, 2007, by ACCG, IAPN, and PNG requesting records in nine categories relating to import restrictions on material from Cyprus. *See* Compl. at ¶ 49; Grafeld Decl. at 12, Ex. 35, Mot. Ex. A.
- 3. In response to the FOIA Requests, the Department conducted the following searches:
 - (a) Searches for office and post files of ECA, including searches of records maintained by the Cultural Heritage Center (which handles, among other things, issues arising under the 1970 UNESCO Convention). *See* Grafeld Decl. at 14-17, Mot. Ex. A.
 - (b) Searches of records of the Office of the Legal Adviser, including the Office of Public Diplomacy. *See id.* at 19.
 - (c) Searches of ECA's country specific files, in both hard copy and electronic format. *See id.* at 17-18.
 - (d) Searches of records maintained by the Bureau of European and Eurasian Affairs and the Bureau of Public Affairs. *See id.* at 19-21.
 - (e) Searches of files maintained by the State Department's Executive Secretariat, including records of the Under Secretary for Political Affairs. *See id.* at 21.
 - (f) Searches of files maintained by the United States Embassy in Beijing and the Bureau of East Asian and Pacific Affairs. *See id.* at 22-23.

- (g) Searches of retired files maintained by IPS including retired files of the Under Secretary for Political Affairs. *See id.* at 23-24.
- (h) Searches of the Central Foreign Policy File / State Arching System. *See id.* at 24-26.
- 4. As a result of its searches, the Department located a total of 127 documents. *See* Grafeld Decl. at 79, Mot. Ex. A.
- 5. As the basis for its withholdings, the Department invoked Exemptions 1, 2, 3, 5, 6, and 7(C). *See* Grafeld Decl. at 27-45, Mot. Ex. A.
- 6. All of the responsive documents located by State were carefully reviewed for reasonable segregation of non-exempt information and it was "determined that no further segregation of meaningful information in the withheld documents can be made without disclosing information warranting protection under the law." *See* Grafeld Decl. at 79, Mot. Ex. A.
- 7. The State Department has produced to Plaintiffs all reasonably segregable releasable information. *See id*.

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Dated: March 13, 2009 Washington, DC

Respectfully submitted,

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