

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

**CITIZENS FOR RESPONSIBILITY  
AND ETHICS IN WASHINGTON,**

**Plaintiff,**

**v.**

**EXECUTIVE OFFICE OF THE  
PRESIDENT, et al.,**

**Defendants.**

**NATIONAL SECURITY ARCHIVE,**

**Plaintiff,**

**v.**

**EXECUTIVE OFFICE OF THE  
PRESIDENT, et al.,**

**Defendants.**

Civil Action Nos. 07-1707; 07-1577

(HHK/JMF)

**ORDER**

**IT IS ORDERED THAT THE DEFENDANTS** shall forthwith comply with the Order issued herein by Judge Kennedy on January 14, 2009 and that the search required therein be conducted of all agencies and subdivisions within the Executive Office of the President irrespective of whether defendants contend any such agency or subdivision is subject to the Presidential Records Act.

**IT IS FURTHER ORDERED** that all e-mails so collected shall be transferred to a

secure and accessible portable medium, such as a flash drive, a portable hard drive or a DVD and that the Archivist shall receive all such portable media and preserve them separately from all other records received incident to the transition of one administration to another, subject to further order of this Court.

**IT IS FURTHER ORDERED** that the backup tapes from which defendants have restored e-mails for the purposes of this lawsuit shall remain in their present location under the supervisory custody of the Archivist and shall not be removed therefrom without further order of this Court.

**IT IS FURTHER ORDERED** that additional media bearing the results of the restoration of those backup tapes shall also remain in their present location under the supervisory custody of the Archivist and shall not be removed therefrom without further order of this Court.

**IT IS FURTHER ORDERED** that the defendants shall forthwith deliver to the Archivist an inventory of all backup tapes and additional media they have collected or will collect pursuant to this Order and that inventory shall identify with reasonable specificity and by number or other specification the contents of the tape or media, i.e. “#1234 Backup Tape October 1, 2003” or “Flash drive of e-mails” followed by the work station number or the work station user’s name.

**IT IS FURTHER ORDERED** that the defendants shall file this inventory with this Court.

**IT IS FURTHER ORDERED** that the defendants shall collect all records (to include electronically stored information) that they would have to file as the administrative record in this case and preserve them in their present location subject to the supervisory custody of the Archivist.

**IT IS FURTHER ORDERED** that the defendants shall collect any additional records, that may not be part of the administrative record, but may be relevant to a claim or defense in this lawsuit, or likely to lead to evidence that is relevant to a claim or defense in this lawsuit and preserve them in their present location subject to the supervisory custody of the Archivist.

**IT IS FURTHER ORDERED** that, at any time, the Archivist may move this Court for permission to move the records subject to this Order (to include electronically stored information) from their present location to another location that is secure, provided that said relocation of the records will preserve them in their present condition.

**SO ORDERED.**

Dated: January 15, 2009

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JOHN M. FACCIOLA  
UNITED STATES MAGISTRATE JUDGE