February 1, 2011

The Honorable Kwame Brown
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

The Honorable Mary Cheh
Chairman, Committee on Government Operations and the Environment
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: Lawsuits Filed During Fiscal Year 2010 Pursuant to the District of Columbia Freedom of Information Act

Dear Chairman Brown and Committee Chair Cheh:

Pursuant to the District of Columbia Freedom of Information Act ("DC FOIA"), D.C. Official Code § 2-531 et seq. (2001), as amended, enclosed herewith is a listing of the lawsuits which were filed pursuant to the DC FOIA, during fiscal year 2010 and defended by the Office of the Attorney General for the District of Columbia ("OAG"). I have also included the disposition of those cases which were filed during fiscal year 2009 or earlier but not resolved at the time OAG’s fiscal year 2009 report was submitted to the Council of the District of Columbia. To the extent a DC FOIA lawsuit was filed against a public body for which the OAG does not provide legal representation, such a case would not be reflected in this report.

The report covers the period encompassing October 1, 2009, through September 30, 2010, and contains the data responsive to the annual reporting requirements mandated by D.C. Official Code § 2-538(c), including the following:

1. A listing of the number of cases arising under the DC FOIA;
2. The exemption(s) involved in each case, where applicable;

441 – 4th Street, N.W. Washington, D.C. 20001 (202) 727-3400
3. The disposition of the case; and
4. The costs, if any, assessed pursuant to D.C. Official Code § 2-537(c).

If you have any questions or concerns regarding this report, please contact Thorn Pozen, Freedom of Information Act Officer for the Office of the Attorney General for the District of Columbia, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 300, Washington, D.C. 20004. Mr. Pozen can be reached by telephone at (202) 727-0872 or by electronic mail at thorn.pozen@dc.gov.

Sincerely,

Irvin B. Nathan
Acting Attorney General
for the District of Columbia

Enclosure

cc: The Honorable Phil Mendelson
    The Honorable David Catania
    The Honorable Michael Brown
    The Honorable Sekou Biddle
    The Honorable Jim Graham
    The Honorable Jack Evans
    The Honorable Muriel Bowser
    The Honorable Harry Thomas, Jr.
    The Honorable Tommy Wells
    The Honorable Yvette Alexander
    The Honorable Marion Barry
    Gerri Mason Hall, Chief of Staff to the Mayor
    Brian Flowers, General Counsel to the Mayor
Pursuant to the District of Columbia Freedom of Information Act ("DC FOIA"), this report from the Office of the Attorney General for the District of Columbia ("OAG") to the Council of the District of Columbia contains the following specified data pertaining to litigation arising under the DC FOIA for the previous fiscal year:

1. A listing of the number of cases arising under the DC FOIA;
2. The exemption(s) involved in each case, where applicable;
3. The disposition of the case; and
4. The costs, if any, assessed pursuant to D.C. Official Code § 2-537(c).


Disposition of DC FOIA Lawsuits Pending in FY 2009

At the time OAG filed its FY 2009 FOIA Litigation Report, 15 DC FOIA cases appealing final agency action were pending in the District of Columbia Superior Court and District of Columbia Court of Appeals. The status of those cases is as follows.

1. a. Case Name/Number: Riley v. Fenty (DYRS)
   b. Exemption(s) Claimed: None Listed.
   c. Disposition of Case: Appealed to D.C. Court of Appeals, decided in District’s Favor.
   d. Costs Assessed: None.
2. a. Case Name/Number: Prison Legal News v. District of Columbia (DOC)
   Civ. No. 08-4598, District of Columbia Superior Court
b. Exemption(s) Claimed: None Listed.
c. Disposition of Case: Remains pending.
d. Costs Assessed: No fees assessed to date.

3. a. Case Name/Number: Fraternal Order of Police v. District of Columbia (OLRCB)
   Civ. No. 08-4866, District of Columbia Court of Appeals
c. Disposition of Case: Appealed to D.C. Court of Appeals.
d. Costs Assessed: No fees assessed to date.

4. a. Case Name/Number: Fraternal Order of Police v. District of Columbia (OPC)
   Civ. No. 08-4867, District of Columbia Superior Court
c. Disposition of Case: Motions pending.
d. Costs Assessed: No fees assessed to date.

5. a. Case Name/Number: Fraternal Order of Police v. District of Columbia (MPD)
   Civ. No. 08-5557, District of Columbia Superior Court
c. Disposition of Case: Appealed to D.C. Court of Appeals.
d. Costs Assessed: No fees assessed to date.

6. a. Case Name/Number: Johnson v. District of Columbia (DHS)
   Civ. No. 08-6473, District of Columbia Superior Court
c. Disposition of Case: Motions pending.
d. Costs Assessed: No fees assessed to date.

7. a. Case Name/Number: Padou v. District of Columbia (DDOT)
   Civ. No. 08-4955
c. Disposition of Case: Judgment for the Plaintiff.

* The FY 2009 Report mistakenly reported no exemptions claimed for Civ.No.08-6473. The correct exemptions are now listed.
<table>
<thead>
<tr>
<th></th>
<th>a. Case Name/Number:</th>
<th>b. Exemption(s) Claimed:</th>
<th>c. Disposition of Case:</th>
<th>d. Costs Assessed:</th>
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<tbody>
<tr>
<td>10</td>
<td>Fraternal Order of Police v. District of Columbia (MPD) Civ. No. 09-6777, District of Columbia Superior Court</td>
<td>None Listed.</td>
<td>Motions pending.</td>
<td>No fees assessed to date.</td>
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<td>11</td>
<td>Fraternal Order of Police v. District of Columbia (MPD) Civ. No. 09-6778, District of Columbia Superior Court</td>
<td>None Listed.</td>
<td>Declaratory judgment granted to plaintiff.</td>
<td>No fees assessed to date.</td>
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DC FOIA Lawsuits filed in Fiscal Year 2010

During Fiscal Year 2010, 12 lawsuits under the DC FOIA were filed against District of Columbia public bodies:

<table>
<thead>
<tr>
<th>Case Name/Number</th>
<th>Exemption(s) Claimed</th>
<th>Disposition of Case</th>
<th>Costs Assessed</th>
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Fraternal Order of Police v. District of Columbia (MPD) Civ. No. 05-7011, District of Columbia Court of Appeals


Motions pending.

No fees assessed to date.

Fraternal Order of Police v. District of Columbia (MPD) Civ. No. 10-5152, District of Columbia Superior Court


Motions pending.

No fees assessed to date.

Fraternal Order of Police v. District of Columbia (MPD) Civ. No. 10-6565, District of Columbia Superior Court

None Listed.

Judgment for plaintiff.

No fees assessed to date.

Fraternal Order of Police v. District of Columbia (MPD) Civ. No. 10-6566, District of Columbia Superior Court

None Listed.

Motions pending.

No fees assessed to date.
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<th>Case Name/Number:</th>
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<td>b. None Listed.</td>
<td>c. No fees assessed to date.</td>
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<td>Case Name/Number:</td>
<td>Exemption(s) Claimed:</td>
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