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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 CAITLIN KELLY HENRY and JESSE)
13 STOUT,)

14 Plaintiffs,)

15 v.)

16 UNITED STATES DEPARTMENT OF)
17 JUSTICE,)
Defendant.)

Civil Action No. C13-5924 DMR

**SUPPLEMENTAL DECLARATION OF
SANDRA MASCOLA IN SUPPORT OF
FEDERAL DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Date: January 22, 2015
Time: 11:00 a.m.
Place: Courtroom 4 - 3rd Floor

Hon. Donna M. Rvu

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20 1. I am a Freedom of Information Act ("FOIA") and Privacy Act ("PA") point of contact for the United
21 States Attorney's Office for the District of Rhode Island ("USAO/RI" or "District"). In this
22 capacity, I serve as a liaison to the FOIA/PA Staff of the Executive Office for United States
23 Attorneys ("EOUSA") in Washington, D.C., which processes and responds to FOIA/PA requests
24 located in the USAO/RI.
25 2. My duties include receiving and reviewing requests made pursuant to FOIA, 5 U.S.C. § 552, and/or
26 the PA, 5 U.S.C. § 552a, for records maintained by, or located in the USAO/RI. I am responsible for
27 the searches conducted by the USAO/RI for records responsive to FOIA/PA requests.
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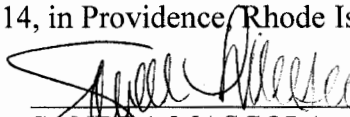
- 1 3. The statements I make in this supplemental declaration are made on the basis of my review of the
2 official files and records of the USAO/RI, my own personal knowledge, or on the basis of
3 knowledge acquired by me through the performance of my official duties.
- 4 4. As discussed in my declaration dated September 24, 2014, "Declaration of Sandra Mascola In
5 Support of Federal Defendant's Motion for Summary Judgment" (hereinafter, "First Mascola
6 Declaration"), I am familiar with the FOIA/PA request dated April 30, 2013 and assigned Request
7 No. 2013-1997, for records related to plaintiff Jesse Stout, and with the searches conducted by the
8 USAO/RI for records responsive to the request.
- 9 5. Cases and matters opened in the USAO/RI are assigned a USAO number. The USAO/RI maintains
10 paper case and matter files, identified by USAO number; it does not maintain case and matter files
11 electronically. The USAO/RI does not have a central, searchable, electronic filing system in which
12 it maintains copies of records.
- 13 6. As discussed in the First Mascola Declaration, to search for records responsive to the FOIA/PA
14 request for records related to Mr. Stout, I used the Legal Information Office Network Systems
15 ("LIONS"), a system used by the USAO/RI to track cases and matters in the District. LIONS does
16 not store electronically the actual documents from USAO/RI cases and matters. As a first step, I
17 used LIONS to determine if there is a case/matter in the USAO/RI involving Mr. Stout.
- 18 7. When I conducted a search of LIONS, I did so by entering the names that were provided to me on
19 the FOIA/PA request in a search of the "participants" field. The name variations that I used were
20 provided in the First Mascola Declaration at paragraph 7.
- 21 8. In LIONS, a "participant" may include litigants, subjects of investigation, witnesses, victims, and
22 other individuals, organization, or business associated with the case or matter. For example,
23 "participant" may include, in a matter involving use of investigative techniques such as an
24 application for a pen register or search warrant, the individual whose phone or property is at issue.
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- 1 9. The “participant” search returns all the cases/matters opened in which the individual whose name I
2 enter into the search has been listed as a “participant.” Those results will include, among other
3 information, the USAO number for the case/matter, Assistant United States Attorney (“AUSA”)
4 assigned, case caption, and the status of the case, *i.e.*, whether the case/matter is active or closed.
5 Closed files for the District are stored in a vault on site for one year, after which they are stored at
6 the Federal Records Center.
7
- 8 10. If LIONS identifies a case/matter as closed, I use the USAO number assigned to that case/matter to
9 locate and retrieve case files in the on site vault or at the Federal Records Center.
- 10 11. FOIA/PA Request No. 2013-1997 provided Mr. Stout’s name and other personal identifying
11 information, which allowed me to conduct searches of the “participant” field. By entering Mr.
12 Stout’s name in a “participant” search in LIONS, I would have been able see if there were any
13 cases/matters that were opened in the District that related to Mr. Stout. Specifically, by entering Mr.
14 Stout's name in this field, I would be able to see if there was a single case, or multiple cases that
15 related to Mr. Stout. Also, this type of search allowed me to see what role, if any, Mr. Stout had
16 regarding a case that was filed, investigated, or prosecuted in the District. As discussed in the First
17 Mascola Declaration, searches of variations of Mr. Stout’s names returned no results. I also
18 performed a “participant” search of all the “associated key words” listed in the FOIA/PA request to
19 see if any of those terms and entities had been listed as “participants” in a case/matter. Those
20 searches did not return any results.
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- 22 12. A “participant” search allowed me to obtain broader results than a LIONS query for a specific case
23 caption or case number. Those searches would only have allowed me to find information regarding
24 the specific case queried. Moreover, the FOIA/PA request for records related to Mr. Stout did not
25 include a specific case caption or number.
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1 13. Although an AUSA may enter notes about the status of a particular case/matter to which the AUSA
2 is assigned in "comments" fields on LIONS, use of these fields is discretionary. These fields are
3 often unused, and even if an AUSA opts to use the field, the type of status information that the
4 AUSA chooses to include is discretionary.

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6 14. For the reasons described above and in the First Mascola Declaration, in the absence of a specific
7 case name or case number provided by Mr. Stout, a LIONS "participant" search using Mr. Stout's
8 name was the most comprehensive method available to determine whether there was a case/matter in
9 the USAO/RI involving Mr. Stout. If the "participant" searches I ran had returned any results, those
10 results would have included the USAO number and the assigned AUSA, allowing the USAO/RI to
11 locate the corresponding paper case file.

12 I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge
13 and belief. Executed this 8th day of December, 2014, in Providence, Rhode Island.

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16 SANDRA MASCOLA
17 Paralegal Specialist
18 USAO/RI
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