

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUN OWNERS FOUNDATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 12-919 (BAH)
)	
BUREAU OF ALCOHOL, TOBACCO,)	
FIREARMS AND EXPLOSIVES,)	
)	
Defendant.)	

PLAINTIFF’S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS

Plaintiff, Gun Owners Foundation, through its undersigned counsel, pursuant to Rule 12(c), Federal Rules of Civil Procedure, hereby moves this Court for entry of an order granting partial judgment to plaintiff on its claims herein, by (i) enjoining the defendant from continuing to withhold non-exempt records responsive to plaintiff’s April 21, 2011 Freedom of Information Act (“FOIA”) request, and (ii) requiring defendant to promptly conduct and complete its search for all records responsive to plaintiff’s FOIA request by a date certain, producing and delivering to plaintiff all non-exempt records responsive to plaintiff’s FOIA request within 30 days of this Court’s Order demanding defendant’s compliance, together with a *Vaughn* Index with respect to any responsive records withheld under a claim of exemption.

For reason therefor, plaintiff submits that the pleadings herein reveal on their face the breach of defendant’s statutory duty to respond substantively to plaintiff’s FOIA request, that there are no disputed issues of material fact regarding that question, and that such prompt compliance with FOIA by defendant is necessary to put this case into a posture for its disposition, by settlement or by resolution by this Court, within a reasonable period of time.

Plaintiff is filing with this motion a Memorandum of Points and Authorities in support hereof, together with a proposed form of Order. Plaintiff, through counsel, contacted counsel for defendant who indicated that defendant will oppose this motion and the relief requested herein.

WHEREFORE, plaintiff prays that its motion be granted and that this Court order the defendant to comply forthwith with FOIA by (i) enjoining the defendant from continuing to withhold non-exempt records responsive to plaintiff's April 21, 2011 Freedom of Information Act request, and (ii) requiring defendant to promptly conduct and complete its search for all records responsive to plaintiff's FOIA request by a date certain, producing and delivering to plaintiff all non-exempt records responsive to plaintiff's FOIA request within 30 days of this Court's Order demanding defendant's compliance, together with a *Vaughn* Index with respect to any responsive records withheld under a claim of exemption.

Respectfully submitted,

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/s/ John S. Miles
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