

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GRANT F. SMITH,)	
)	
Plaintiff,)	
)	Civil Action No. 14-cv-01611
)	
UNITED STATES DEPARTMENT OF DEFENSE)	
)	
Defendant.)	

DECLARATION OF MARK H. HERRINGTON

Pursuant to 28 U.S.C. § 1746, I, Mark H. Herrington, hereby declare under penalty of perjury that the following is true and correct:

1. I am an Associate Deputy General Counsel in the Office of General Counsel (“OGC”) (Office of Litigation Counsel) of the United States Department of Defense (“DoD”). OGC provides legal advice to the Secretary of Defense and other leaders within the DoD. I am responsible for, among other things, overseeing Freedom of Information Act (“FOIA”) litigation involving DoD. I have held my current position since March 2007. My duties include coordinating searches across DoD to ensure thoroughness, reasonableness, and consistency.

2. The statements in this declaration are based upon my personal knowledge and upon my review of information available to me in my official capacity. Specifically, I am the OGC counsel assigned to the case *Oleskey v. U.S. Department of Defense*, No. 05-10735-RGS.

Purpose of this Declaration

3. I submit this declaration to provide an update on the status of the processing of the document requested by Plaintiff and provide a basis for DoD’s request for an extension of time.

Plaintiff's Request

4. On January 5, 2012, Plaintiff requested a report from DoD, which has been identified as a 1987 report titled "Critical Technology Assessment in Israel and NATO Nations." On June 12, 2012, DoD withheld the report in its entirety for the reasons listed in Plaintiff's complaint. Plaintiff appealed that decision and had not received a final response to his appeal when he filed the current action on September 23, 2014.

Current Status

5. I have spoken with multiple DoD components to determine who has ultimate responsibility for determining the releasability of the document. I recently determined that the appropriate office is the Planning, Programs, & Analysis Division of the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics.

6. I was informed today by that office that the document must indeed be withheld, at least in part. The basis for the withholding is, at a minimum, exemption 3, 5 U.S.C. § 552 (b)(3). Specifically, 10 U.S.C. § 130c allows for the withholding of certain sensitive information of foreign government and international organizations. The foreword of the requested report notes that non-disclosure agreements were signed by the researchers stating "that the information received was for U.S. Government use only and would not be disclosed to U.S. industry or others."

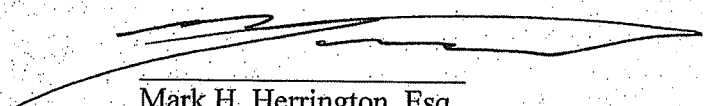
7. DoD needs additional time to conduct a line by line review the document with the assistance of the proper office to determine whether any of the 386-page report is not implicated by these non-disclosure agreements and can therefore be released. DoD also needs time to determine whether, if portions of the report can be segregated, any of those non-implicated sections of the report must be withheld for other reasons.

8. DoD requests 30 days, until December 19, 2014, to conduct a line by line review of the document and make a final determination regarding whether any of the report can be released.

9. DoD requests an additional 30 days, until January 18, 2014, to allow Plaintiff a reasonable time to review the release and determine whether he is satisfied or wishes to continue the litigation, at which point DoD will move for summary judgment and provide this Court with a declaration justifying the withholding.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 19th day of November, 2014, in Washington, DC.



Mark H. Herrington, Esq.