IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

ORLY TAITZ,)
Plaintiff,))
v.)
CAROLYN COLVIN, COMMISSIONER)
SOCIAL SECURITY ADMINISTRATION)
Defendant.)

Civil No. ELH-13-1878

DEFENDANT'S ANSWER TO PLAINTIFF'S MOTION FOR VAUGHN INDEX

Defendant, by and through undersigned counsel, hereby responds to the above-styled Motion filed by the Plaintiff:

1) That, as stated by the Defendant in its Motion to Dismiss or in the Alternative for Summary Judgment and further explained in Defendant's Response to Plaintiff's Opposition to Motion to Dismiss and Motion for Summary Judgment in Favor of the Plaintiff, and the supporting declarations of Dawn S. Wiggins, the Social Security Administration does not possess records in the name of Harrison J. Bounel based on the information provided by the Plaintiff.

(See Docket 7, Exhibit D ¶ 6, Declaration of Dawn S. Wiggins; Docket 12).

2) The Plaintiff's Motion requests that the Court Order the Defendant to prepare a Vaughn Index to identify "each document relating to Harrison (Harry) J. Bounel withheld." "A Vaughn index is a list describing the documents an agency withholds. The list must include sufficiently detailed information to enable a district court to rule whether the document falls within a FOIA exemption. The Vaughn Index received its name from the decision in which the use of such an index was first discussed." Rein v. U.S. Patent & Trademark Office, 553 F.3d 353, 357 n. 6 (4th Cir. 2009); Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973).

 Here, since the Defendant does not possess the records described by the Plaintiff, this Motion should be denied as moot.

Wherefore, the Defendant respectfully requests that the Plaintiff's Motion for Vaughn Index be denied.

Respectfully Submitted,

ROD ROSENSTEIN United States Attorney

By: <u>/s/</u>

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