UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DUSTIN MICHAEL SLAUGHTER, Plaintiff,	)	
v.	)	Civil Action No. 23-1406 (TSC)
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, Defendant.	)	

PLAINTIFF'S STATEMENT OF MATERIAL FACTS

Pursuant to Local Rule 7(h), Plaintiff Dustin Slaughter ("Plaintiff") hereby submits the following statement of material facts ("Statement").

1. Plaintiff DUSTIN MICHAEL SLAUGHTER is a citizen of the United States of America and resident of the Commonwealth of Pennsylvania. ¶ 1 Declaration of Dustin Michael Slaughter ("Slaughter Decl.").
2. On March 16, 2022, Plaintiff filed a request to Defendant National Oceanic and Atmospheric Administration (Hereinafter "NOAA" or "Defendant"). Plaintiff was assigned with a case number DOC-NOAA-2022-001129. Document 1-5.
3. Request DOC-NOAA-2022-001129 was not resolved within the 20-day statutory period. ¶ 4 Slaughter Decl.
4. On May 11, 2022, Defendant issued a "No Records" final determination. Document 1-14
5. On May 11, 2022, Plaintiff submitted an administrative appeal, alleging inadequate search for responsive records was conducted. Document 1-15

6. Plaintiff was assigned with an appeal number DOC-OS-2022-001632. Document 1-16.
7. On December 1, 2022, and February 9, 2023, Plaintiff requested an estimated date of completion but received no response respectively. Document 1-17; Document 1-18.
8. On April 20, 2023, Plaintiff requested yet another estimated date of completion. Document 1-19.
9. Defendant responded that this case would be forwarded to the Department of Commerce Appeals Office. Document 1-20
10. A spokesperson for Defendant admitted in its email that Defendant "did participate in past interagency discussions" and "was involved in the review/ process for the 2022 ODNI UAP report to Congress." Document 1-6.
11. Numerous articles and reports suggest that Defendant possesses the records that Plaintiff has requested. Document 1-7; Document 1-8; Document 1-9; Document 1-10.
12. As of the date of the filling of this Motion, Plaintiff has not received a final response on the administrative appeal. ¶ 11 Slaughter Decl.
13. After waiting for more than one year since submitting his request, and not receiving any records, or a final determination letter, nor an estimated completion date to the administrative appeal, Plaintiff constructively exhausted his administrative remedies.

Dated this 2 day of August, 2023

Respectfully Submitted,

/s/ C. Peter Sorenson

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