

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SOPHIA HELENA IN ‘T VELD,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1151 (RMC)
)	
DEPARTMENT OF HOMELAND SECURITY, <i>et al.</i>,)	
)	
Defendants.)	
)	

**PLAINTIFF’S RESPONSE TO DEFENDANT DEPARTMENT
OF HOMELAND SECURITY’S STATEMENT OF MATERIAL FACTS AS TO
WHICH THERE IS NO GENUINE ISSUE**

Pursuant to Local Rule 7(h), plaintiff responds as follows to defendant’s statement of material facts as to which there is no genuine issue:

Plaintiff agrees that there is no genuine issue as to the facts set forth in defendant’s statement, except to the extent that defendant suggests in ¶¶ 6-8 and 24 that the search conducted by U.S. Customs and Border Protection (“CBP”) was adequate and that CBP used methods which could be reasonably expected to produce the information requested by plaintiff. There exists a genuine issue as to the adequacy of CBP’s search, as set forth in the Declaration of Edward Hasbrouck, submitted herewith.

Respectfully submitted,

/s/ David L. Sobel
 DAVID L. SOBEL
 D.C. Bar No. 360418
 Electronic Frontier Foundation
 1875 Connecticut Avenue, N.W., Suite 650
 Washington, DC 20009

(202) 797-9009

MARCIA HOFMANN
D.C. Bar No. 484136
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110
(415) 436-9333

Counsel for Plaintiff