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Pro Se Plaintiff

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,

Plaintiff,

VS.

FEDERAL BUREAU OF
INVESTIGATION, UNITED STATES
DEPARTMENT OF JUSTICE OFFICE
OF INFORMATION AND PRIVACY,
and UNITED STATES CENTRAL
INTELLIGENCE AGENCY,

Defendants.

**MOTION TO COMPEL
PRODUCTION OF MURRAH
BUILDING SURVEILLANCE TAPES
AND RELATED EVIDENTIARY
DOCUMENTS**

Case No.: 2:08cv788 CW
Judge Clark Waddoups
Chief Magistrate Samuel Alba

Plaintiff, Jesse C. Trentadue, commenced this action under the *Freedom of Information Act (FOIA)*¹ against the Federal Bureau of Investigation and United States Department of Justice Office of Information and Privacy (“FBI Defendants”) to obtain,

¹ 5 U.S.C. §552.

among other records, videotapes from surveillance cameras collected by the FBI Defendants or others containing footage of the Alfred P. Murrah Building on the morning of April 19, 1995. Plaintiff likewise sued to obtain copies of all of the reports, including but not limited to FD-302s² and FC-192s³, that described and/or referenced FBI Defendants taking possession of these videotapes. (Doc. 7.) Thereafter, FBI Defendants requested an extension of time from the Court in order to find and produce these materials. (Doc. 16). The Court granted FBI Defendants' request. (Doc. 17).

At FBI Defendants' suggestion, and to expedite the production of these records, Plaintiff narrowed the scope of the videotapes and related documents being sought to those taken and/or related to cameras at specific locations, including the Murrah Federal Building.⁴ Plaintiff was particularly interested in the videotapes from the Murrah Building's exterior surveillance cameras because, according to a Secret Service *Timeline*, these tapes showed **“the Ryder truck pulling up to the Federal Building and then pausing (7-10 seconds) before resuming into a slot in front of the Building”** and **“the truck detonation three minutes and six seconds after the suspects exited the truck.”**⁵ FBI Defendants produced to Plaintiff approximately 29 surveillance videotapes

² Reports of Activities/Interviews.

³ Evidence Control Forms.

⁴ Exhibit 1 to *Motion to Compel*.

confiscated by them from locations requested by Plaintiff. FBI Defendants also produced 302s and other documents related to their seizure of these tapes. FBI Defendants did not, however, produce either documents related to the Murrah Federal Building surveillance cameras or tapes from those cameras taken on the morning of April 19, 1995.

**CERTIFICATION OF GOOD FAITH ATTEMPT
TO AVOID *MOTION TO COMPEL***

On October 7, 2009, Plaintiff wrote to counsel for FBI Defendants asking that the tapes from the Murrah Building exterior surveillance cameras be produced. Plaintiff included in that letter the Secret Service *Timeline* describing the tapes apparently taken from the Murrah Federal Building which showed the delivery of the Ryder truck containing the bomb and the suspects involved.⁶

On January 22, 2010, Plaintiff again wrote to counsel for FBI Defendants inquiring about the Murrah Building tapes. Included in that letter, were photographs of the Murrah Building taken immediately the bombing which showed the exterior surveillance cameras in place and another photograph taken later that same day after the cameras had been removed by FBI Defendants.⁷

Plaintiff followed up his January 22, 2010 letter with an e-mail to counsel for FBI Defendants. Again, inquiring about when the Murrah Building surveillance tapes

⁶ *Motion to Compel*, Exhibit 2.

⁷ *Motion to Compel*, Exhibit 3.

would be produced, and stating his desire to “**avoid a Motion to Compel.**”⁸ Shortly thereafter, on February 1, 2010, Plaintiff wrote once more to counsel for FBI Defendants asking when the Murrah Building surveillance tapes would be produced.⁹

February 2, 2010, Plaintiff received an e-mail from FBI Defendants’ counsel stating that they had “forwarded this and your earlier letter to the FBI.” In that e-mail, counsel for FBI Defendants also promised a response to Plaintiff’s numerous requests for the production of these records. But, to date Plaintiff has received no response from FBI Defendants stating either when or if they will produce the Murrah surveillance tapes and related documents.

Simply put, Plaintiff has exhaustively and in good faith attempted to resolve any disputes over the production of the tapes taken from surveillance cameras at the Murrah Building and the related documents evidencing FBI Defendants acquisition or seizure of this evidence. Plaintiff has, therefore, fully complied with the requirements of *Federal Rules of Civil Procedure* 37(d)(1)(B).

MOTION

WHEREFORE, pursuant to *FOIA*, *Federal Rule of Civil Procedure* 37(d) and the inherent power of this Court, Plaintiff hereby moves for an *Order* compelling FBI Defendants to immediately produce the videotapes taken on the morning of April 19,

⁸ *Motion to Compel*, Exhibit 4.

⁹ *Motion to Compel*, Exhibit 5.

1995 by the surveillance cameras mounted on the exterior of the Murrah Federal Building, and the FD-302s, FD-192s and/or all other documents related to the FBI Defendants' acquisition, collection or seizure of this evidence. Plaintiff's *Motion to Compel* is accompanied by a *Memorandum* in support (Doc. 47).

DATED this 29th day of March, 2009.

/s/ jesse c. trentadue

Jesse C. Trentadue

Pro Se Plaintiff _

CERTIFICATE OF SERVICE

I hereby certify that this 29th day of March, the foregoing **MOTION TO
COMPEL PRODUCTION OF MURRAH BUILDING SURVEILLANCE TAPES**

was served by electronic process upon:

KATHRYN L. WYER
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