IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 2:08-CV-00788
	)	
CENTRAL INTELLIGENCE AGENCY, et al.	)	
	)	
Defendants.	)	

SECOND SUPPLEMENTAL DECLARATION OF DAVID M. HARDY

I, David M. Hardy, declare as follows:

(1)   I am the Section Chief of the Record/Information Dissemination Section ("RIDS"), Records Management Division ("RMD"), formerly at Federal Bureau of Investigation Headquarters ("FBIHQ") in Washington, D.C., and now relocated to Winchester, Virginia. I have held this position since August 1, 2002. Prior to joining the FBI, from May 1, 2001 to July 21, 2002, I was the Assistant Judge Advocate General of the Navy for Civil Law. In that capacity, I had direct oversight of Freedom of Information Act ("FOIA") policy, procedures, appeals, and litigation for the Navy. From October 1, 1980 to April 30, 2001, I served as a Navy Judge Advocate at various commands and routinely worked with FOIA matters. I am also an attorney who has been licensed to practice law in the state of Texas since 1980.

(2)   In my official capacity as Section Chief of RIDS, I supervise approximately 278 employees who staff a total of ten (10) units and two field operational service center units whose collective mission is to effectively plan, develop, direct, and manage responses to requests for

access to FBI records and information pursuant to the FOIA; Privacy Act; Executive Order

13526; Presidential, Attorney General, and FBI policies and procedures; judicial decisions; and

Presidential and Congressional directives. The statements contained in this declaration are based

upon my personal knowledge, upon information provided to me in my official capacity, and upon

conclusions and determinations reached and made in accordance therewith.

(3)   Due to the nature of my official duties, I am familiar with the procedures followed

by the FBI in responding to requests for information from its files pursuant to the provisions of

the FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a. Specifically, I am

aware of the treatment which has been afforded by the FBI in responding to plaintiff's

October 12, 2008 FOIA request.

(4)   This declaration is being submitted in support of defendant FBI's motion for

summary judgment, and supplements and incorporates the information previously provided in the

declarations of David M. Hardy, dated July 16, 2010 ("Hardy Declaration") and September 15,
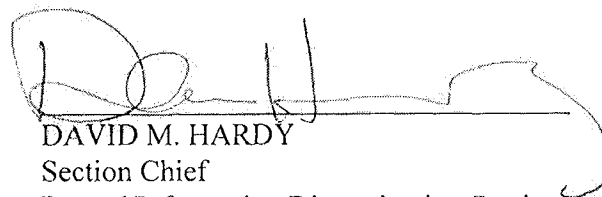
2010 ("Supplemental Hardy Declaration").

MANUAL SEARCH OF THE OCFO WAREHOUSE (EVIDENCE SIDE ONLY)

(5)   During the week of October 18, 2010, OCFO personnel conducted a

reorganization of items stored on the evidence side of the OKBOMB warehouse. This

reorganization project was planned as a means of facilitating the process of conducting

inventories in and retrieving material from the warehouse in the future, and was not planned in

relation to the plaintiff's pending FOIA litigation. However, when my office became aware of

this planned reorganization, which would require OCFO to manually review all material on the

evidence side of the OKBOMB warehouse in any case, it directed OCFO personnel to conduct a

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manual search for additional tapes responsive to the plaintiff's FOIA request at the same time that

they were implementing the reorganization project. OCFO personnel therefore manually

searched the evidence side of the OKBOMB warehouse for any tapes responsive to the plaintiff's

FOIA request but did not locate any additional responsive tapes, including any tapes from the

Murrah Federal Building or additional Hanger tapes.

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

and correct.

Executed this 28th day of January, 2011.

DAVID M. HARDY
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Winchester, Virginia