

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Competitive Enterprise Institute,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 14-cv-01806 (APM)
)	
Office of Science and Technology Policy,)	
)	
Defendant.)	

ORDER TO SHOW CAUSE


It has come to the court’s attention that by letter dated March 4, 2016 [hereinafter March 4 Letter], Defendant Office of Science and Technology Policy (OSTP) provided to Plaintiff Competitive Enterprise Institute (CEI) the documents the court ordered disclosed in its Memorandum Opinion and Order, ECF Nos. 16 and 17. *See* March 4 Letter, Ex. A. The March 4 Letter also indicates that, in the course of preparing documents for disclosure, OSTP located two other drafts of the Holdren Letter, including one sent outside the agency to a professor at the University of Michigan School of Natural Resources and Environment.

In its Memorandum Opinion, the court denied Plaintiff’s request for discovery on the ground that Plaintiff had not demonstrated bad faith on the part of OSTP in conducting a reasonable search for documents. Mem. Op. at 23-24. The court also found that Plaintiff had not “shown through *evidence* that there is a factual dispute about the existence of other drafts that were shared outside the Executive Branch.” *Id.* at 24.

In light of OSTP’s admission in the March 4 Letter that it has discovered at least one additional draft of the Holdren Letter circulated outside the Executive Branch, OSTP is hereby

ordered to show cause why, the court should not reconsider its denial of discovery in this case and/or impose other appropriate sanctions. OSTP is directed to respond to this Order to Show Cause on or before April 6, 2016.

Dated: March 23, 2016



Amit P. Mehta
United States District Judge