

FILED 10 MAR '15 15:29 USDC-ORE

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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

DIANE ROARK,

Plaintiff,

v.

Case No.: 6:12-CV-01354-MC

**PLAINTIFF'S REPLY TO
DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO COMPEL**

UNITED STATES OF AMERICA

ARGUMENT

A. Government has not met disclosure and discovery obligations.

Respondent argues that Plaintiff's motion is improper because she never argued during the briefing period that she was unable to present facts essential to justify opposition to Defendant's motion for summary judgment. On the contrary, Plaintiff replied to Defendant's motion with a cross-motion for partial summary judgment, stating that she believed some of the issues might be settled without discovery, but that others might require discovery. She highlighted the illegal search issue – about which the government had since 2011 ignored her questions. Plaintiff later repeatedly observed that Defendant disclosures were sometimes evasive or incomplete and that the government continued to neither confirm nor deny key facts. In this context, during oral briefs on February 11, 2015, she raised the possibility of a motion.

Plaintiff consistently acted in good faith and repeatedly attempted to elicit the four

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categories of information requested in this motion, all of which she argues are genuine disputes of material fact.

While a motion to compel normally is used during discovery, there are exceptions. However, Defendant is correct that Rule 26(a) was improperly cited. Defendant failed to meet its responsibility under Rule 56(c) to address properly Plaintiff's assertion of fact. Considering some facts undisputed does not of itself allow summary judgment. In this circumstance, under Rule 56(e) the court may consider any other appropriate order.

B. Basis for Providing the Requested Relief

1. Provision of the last HPSCI Non-Disclosure Agreement signed by Plaintiff.

Plaintiff has pointed out that the entire HPSCI staff was forced to sign a new Non-Disclosure Agreement (NDA) after the 1999 agreement provided by HPSCI and before Plaintiff's retirement in 2002. HPSCI now states clearly that it cannot find the NDA that Plaintiff alleges to exist.

If HPSCI cannot find the specific copy signed by Plaintiff, it should provide the Court with the complete dated copy of another staff member's signed agreement, redacting the signature lines if necessary for privacy reasons. If HPSCI claims that it has searched diligently and has found no record whatsoever of a later HPSCI staff NDA superceding the 1999 NDA, it should provide the Court an affidavit swearing to this under penalty of perjury.

The lost NDA is critical to resolution of this return of property case because it does not restrict Plaintiff's possession (or publication) of unclassified information. Unclassified information comprises the overwhelming bulk of information in this case, with very few alleged exceptions. This was already demonstrated in the case of Maryland plaintiffs with whom this Plaintiff shared NSA-related emails. It is also

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demonstrated in the instant case to date. The FBI has documented¹ that of the 1,083 pages of disputed documents that the government thus far seeks to retain, only 17 pages allegedly are classified.

The Specially Compartmented Information NDA to which the Government refers is not the NDA sought by Plaintiff. Defendant admits it covers only SCI material and does not displace or supercede the most recent HPSCI NDA signed by Plaintiff.

2. Basis for asking the Information Security Oversight Office (ISOO) to certify whether and to what extent NSA is subject to Freedom of Information Act (FOIA) standards.

Defendant has reverted to simply citing the language of section 6(a) of the NSA Act of 1959. The government claims that NSA Act information, which it interprets as any personnel or other unclassified information banned from release at NSA's choice, is protected from FOIA release requirements.

Plaintiff submitted the original Congressional documents and five pages of analysis proving that the NSA Act was intended to provide legal protections for personnel security only.² Authority provided to NSA was specifically stated to be consistent with and not exceeding statutory authorities for personnel security provided to other agencies such as the Central Intelligence Agency. It was therefore within the jurisdiction of the Post Office and Civil Service Committees, and was handled in a routine and uncontroversial manner befitting the stated intent. Most importantly, the Senate Committee report clearly stated that Section 6(a) is in the nature of a savings clause: far from providing NSA a license to retain or seize unclassified information as it sees fit, the legal effect of the clause is weak and confined to providing temporary authority to

1 Government submission of September 30, 2014, Declaration of Laura J. Pino in Support of Defendant's Motion for Summary Judgment, Attachment 3, *Paper Documents, CD and Notebooks Containing Classified/Protected Information – 30 Sept. 2014. HC 3, 4,7, are unclassified b*

2 Cross-Motion for Partial Summary Judgment, Nov. 26, 2014, Section E-1 and Attachment 4.

maintain personnel security if the law ever is withdrawn or superseded.

Defendant responded to none of these facts, original documents and argument. However, the government now seeks to revive its prior interpretation of the NSA Act.

It is a tenet of statutory construction that legislative intent is supreme and the courts merely interpret it, assuming that the statute is deemed constitutional.³ In this case, it has been amply proven that the legislative record refutes Defendant's superficial interpretation of section 6 (a).

In addition to the above, the rule of lenity previously cited by Plaintiff (*id.*, in section E-1, footnote 22) applies to civil cases and dictates that Plaintiff's property should be returned to her.

When the Ninth Circuit upheld NSA's claimed authority to withhold unclassified information under section 6(a) of the NSA Act, it did not possess information to the contrary that is now available to this Court. The Ninth Circuit and other court opinions were based on NSA's plausible but ultimately false interpretation of that Act. This Court has solidly documented reasons to overturn precedent, and any NSA appeal presumptively would fail.

The government assertion that there is no basis for seeking an opinion from a separate agency is unpersuasive. Its argument obviously is weak and self-interested, plus ISOO's pre-eminent authority regarding classification policy is a matter of public record codified in pertinent regulations.

Partly because NSA's long-time assertions of unique statutory privilege regarding unclassified information are incorrect, NSA presumptively is subject to FOIA statutes and

³ For case cites and analysis, see *id.*, introduction to Section E, Section E-1, and Congressional Research Service footnotes No. 14, 15, 18, 20 and 21 on statutory interpretation.

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related executive branch policy just as other agencies are. This includes being subject to classification appeals and a strong statutory presumption of release with minimal justified redaction only. NSA has provided no authority of any kind to withhold entire documents rather than performing minimal redactions. Stated Obama Administration policy and regulations also strongly promote transparency and FOIA.

ISOO, as documented previously, is appointed by the President to execute and oversee Executive Branch classification policy and regulations, including FOIA and support for classification appeals. Housed in the National Archives, it is obviously a more objective and authoritative source than is NSA, particularly given NSA's long history, documented and exemplified herein, of inflating its authorities and minimizing its obligations. Even were NSA's interpretation of the NSA Act of 1959 correct, under existing and probably prior classification regulations (NSA has maintained a FOIA office for decades), the agency apparently would be subject to at least parts of the FOIA statute.

3. Plaintiff did not provide a list and description of individual seized “documents missing headers and footers.” Nor did it provide records and authorities pertaining to the unnotified, therefore illegal, surreptitious search that irrefutably identified these distinctive documents and falsely said they were classified in the affidavit and search warrant for a subsequent July 26, 2007 overt search.

Three documents without headers or footers were returned this fall. According to footnote 3, p. 6 of Docket No. 95 and Attachment 3 to Laura Pino's declaration of September 30, 2014, these three were among “email excerpts” in at least six HC numbers: 16, 17, 18, 19, 20 and 38, totaling 11 pages. HC 16, 19 and 20, totaling 3 pages, have not been returned. Plaintiff recalls that there were substantially more than 11 pages of documents missing headers and footers. HC 1 and 5 contain 47 pages of multiple paper documents, including emails. Plaintiff requests an individual listing of

HC 1 and 5 documents with metadata and titles, also identifying whether they lack headers and footers, both for the instant purpose and as an accounting required for overall return or retention of documents. Plaintiff has provided legal precedent and guidance for such a “Vaughn index,”⁴ initially established under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir., 1982).

Proof of illegal search strengthens Plaintiff’s legal case for return of all documents⁵ and is the only means whereby Plaintiff may learn more about the search. In 2012, Plaintiff sued alleging a Fourth Amendment violation due to this illegal search, but Judge Aiken ruled that the two-year Oregon statute of limitations had expired, this being due to a deliberately prolonged government investigation.⁶

The Government argues that any illegal search is immaterial to settlement of the case because it has an established “continuing interest” in two allegedly classified documents and in a yet undetermined number of unclassified documents withheld under NSA Act that it could keep even if an illegal search were proven.

This argument is based solely on a Maryland District Court ruling in a case brought by Plaintiff’s associates. However, Defendant’s argument is very weak because:

- classification of Plaintiff’s two documents is highly disputable (e.g., see number four directly below);

⁴ Plaintiff’s Response to Defendant’s Brief in Support of Defendant’s Motion for Summary Judgment, January 30, 2015. pp. 13-15.

⁵ Rule 41 (g) begins: “[a] *person aggrieved by an unlawful search and seizure of property or by deprivation of property...*” The government “must not be allowed to benefit from its own wrongdoing by retaining the wrongfully obtained evidence or any fruits thereof.” *U.S. v. Comprehensive Drug Testing*, No. 5-10067, D.C. No. MISC-14-234-SI (9th Cir. 2010) (*re exceeding search warrant limits*). *J.B. Manning Corp. v. U.S.* 86 F.3d 926, 927-8 (9th Cir.) (*good faith exception re invalid search warrant does not apply to return of property case*).

⁶ Judge Bennett criticized the delays in Thomas Drake’s case. The government did not officially cease investigation of Plaintiff until five and one half years after the overt search. Thomas Drake’s trial case, for which these documents also appeared to be retained, was not canceled until four years after the overt search of Plaintiff’s property and the government did not respond to Edward Loomis’ repeated requests during that time for return of his property.

- Plaintiff has proven that Defendant overstated its power over unclassified and also that its operational guidelines differ from claims herein (see below).
- neither the Maryland judge nor prior Ninth Circuit judges were presented with the original documents provided in the instant case that directly contradict NSA's alleged vast powers over all NSA unclassified information under the NSA Act, which the Maryland court therefore mistakenly cited as proving as a “continuing interest” in unclassified information; and
- the concept of a “continuing interest” adopted in the Maryland case (after rejecting a contraband argument) was taken from a Sixth Circuit decision,⁷ and the District of Oregon and the Ninth Circuit are not obliged to accept the “continuing interest” precedent.

Plaintiff has presented documentary evidence that when she retired in 2002, there was no established NSA or wider government policy that forbade taking unclassified “FOUO” or similar material at home, so long as it was protected from public release. NSA has produced no official written NSA or wider government policy documents refuting this contention.

NSA did assert that its policy protecting the last names of current and former employees has been and remains identical for both groups. It also asserted that there has never been a policy of sending to employees, or allowing them to take home, FOUO material, including the NSA Newsletter that contains personnel information. NSA ignored Plaintiff's footnoted evidence that the Phoenix Society of NSA retirees freely exchanges far more electronic information about retirees than just their names.

Excerpts from the last of three officially released NSA Newsletters dated

⁷ *United States v. Duncan*, 918 F.2d 647, 654 (6th Cir. 1990)/

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September, October and November of 1999,⁸ less than a year and a half before Plaintiff retired, are attached to this submission. The excerpts demonstrate that many current and former employee names are included in the newsletters, although the publications were *never marked For Official Use Only*. Pursuant to a FOIA request (although NSA contends it is not subject to FOIA), this document was released in *completely unredacted* form. A square on lower left corner of page 4 states official NSA security policy for the newsletters: “reasonable care must be taken to keep [a newsletter] within the circle of Agency employees, retirees *and immediate families*,” copies may be “received in the mail or taken from Agency buildings;” such copies “should be given special care” and the recipient is responsible for destroying them.

A printout of the Phoenix Society web page⁹ is also at the attachment to this document, along with two redacted emails sent by the Phoenix Society to members. NSA retirees, whose names NSA treats in the same manner as current employees, obviously are allowed to access and retain a great deal of information about current employees and fellow retirees, including a members-only link that lists all member names, home addresses and email addresses.

These documents constitute proof that NSA's representations to the Court were inaccurate, whereas Plaintiff's representations that unclassified FOUO material may be sent, taken, retained and destroyed at home, so long as it is protected from public disclosure, are accurate.

Hence, it is demonstrably untrue that Plaintiff may not retain NSA FOUO information such as personnel names at home, so long as she protects the information

8 See https://www.nsa.gov/public_info/declass/newsletters.shtml for the entire text of all three documents.

9 <http://www.thephoenixsociety.org/membership/membershipapp.htm>.

from public disclosure. It is also untrue that under NSA policy the agency retains a “continuing interest” in such information that has been provided to and retained by a former intelligence official. A reasonable person would not believe that NSA may seize entire large personal documents¹⁰ because they contain one or more such last names. NSA's seizure and retention of personal documents including such information do not strike a proper balance between government interest and Plaintiff's privacy and property rights under the Fourth Amendment. Nor has NSA met the burden of proof allowing it to seize, retain for 7-1/2 years and refuse to return such personal documents without probable cause of crime or even allegation of misuse.

4. NSA alleges it cannot verify that it twice designated as unclassified and returned to J. Kirk Wiebe copies of a paper describing the ThinThread system that it claims in this case to be TS/SCI.

The agency says it cannot verify the discrepancy. Nor can it provide a copy of the released documents to this Court because it destroyed all of Wiebe's computer documents that it had retained.

Inability to verify the discrepancy seems highly improbable. Classification review probably was done by two different Original Classification Authorities (OCAs) whose work product often appears to be reviewed by management. It does not appear that these people have been approached regarding their recollections and records. Their recollections could be refreshed by providing Plaintiff's surviving document. NSA advised Plaintiff during mediation that it could not guarantee that the FBI or other agencies would also destroy copies of her documents, but NSA does not mention checking with such agencies to determine whether others still have copies of the Wiebe

¹⁰ Daytimer daily agenda notebooks and separate telephone logs listed in HC 23 through 29 and 31 through 36 each contain Plaintiff's personal as well as professional information. They range from 51 to 103 pages long, and the government is refusing to return them.

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documents.

Because NSA says it cannot verify return of the two documents to Wiebe on the dates he provided, the strong implication is that NSA maintains no identifying lists (as opposed to content) of documents reviewed for classification, whether they were retained and destroyed or returned to the owner. However, government declarations provided in Plaintiff's case have indicated that tracking numbers are assigned to individual documents and retained.

Wiebe's documents almost certainly were retrieved through key word searches, then reviewed and released by an Original Classification Authority (OCA). One would expect the Agency to retain some description of information that it had officially deemed classified or unclassified, if only to promote classification consistency; Plaintiff suggested internal NSA use of an available database that OCAs could use for this purpose, but NSA rejected the idea. Yet NSA claims to have no record of either the classification determinations or of the titles of documents returned to Wiebe.

Mr. Wiebe or Plaintiff could provide a copy of Mr. Wiebe's document to the Court. However, NSA's claim that the declassification was a mistake could then leave Wiebe or Plaintiff open to a charge of disseminating classified information. As Plaintiff observed in her November 26, 2014 submission, however, released documents may not be reclassified without permission all the way up to the White House.

In general, this story seems not only improbable but it also appears to reflect in competence. Classification decisions varying from Unclassified to TS/SCI for the same document demonstrate either that some at NSA classify for political/legal purposes or that there is a complete lack of consistency and credibility in classification decisions. Either is pertinent to this case.

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CONCLUSION

Some additional information on important issues has been garnered, but there remains resistance in other areas that Plaintiff hopes will be abandoned in Defendant's next submission. Plaintiff respectfully requests that her motion to compel be approved.

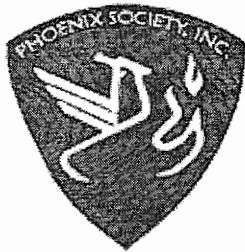
DATED this 10th day of March 2015.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane Roark". The signature is written in black ink and is centered on the page.

Diane Roark, pro se

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Roark



PHOENIX SOCIETY, INC.

MEMBERSHIP FORMS

- [Home](#)
- [News](#)
- [Events Calendar](#)
- [Puzzles](#)
- [Bulletin Board](#)
- [Membership Forms](#)
- [Community](#)
- [Links](#)
- [Contact Us](#)
- [Chapters](#)

Hours:
10 am-2 PM
Mon-Fri
except holidays

Members Only

- [Account Access](#)
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- [The Phoenixian](#)
- [History Today](#)
- [Travel & Events](#)
- [Employment](#)
- [Annual Report](#)
- [Rosters](#)
- [Obituaries](#)
- [By-Laws](#)
- [Pay Dues On-line](#)

About Membership

The Phoenix Society, Inc. is a recognized private organization that provides services to Agency civilian and military retirees and *prospective* retirees. A prospective retiree is anyone who expects to remain at the Agency long enough to be eligible for retirement. You DON'T have to be retired to join.

Any person whose duties are or were directly related to the Agency's mission, such as civilian and military personnel who leave the Agency before retirement, may apply for Associate Membership. An applicant for Association Membership must be sponsored by a member of the Society, and their application must be approved by the Board of Directors. Associate Members are entitled to all the privileges of membership except the right to vote.

In addition to receiving the monthly publications of the Phoenix Society, Inc., your membership will also afford you the opportunity to socialize and travel with your fellow retirees and friends. Maintaining your membership also means your friends will be able to locate you and you can remain in touch with them through the Phoenix Society, Inc. Directory of Members, our membership data base and e-mail address listing.

Membership also allows access to the Members Only portion of the website where you can access online copies of rosters, publications and other information.

Members Only Access is a separate sign-up process that is available to members in good standing.

NOTE: In those situations where a husband and wife are both eligible for membership, dues for only one member is required. However, each must submit a separate signed application form. If desired, each spouse may elect to be recognized as an "individual" member - each paying dues and receiving Society mailings separately.

Membership Renewal

In order to continue receiving the Phoenix Society's

Attachment 1, p. 1
Boyle

Membership Info & Forms

Use our online forms to apply for membership, renew membership or change your address. The forms are designed to be printed and mailed, none of the information is recorded or stored online.

- [Membership Application \(PDF\)](#)
- [Membership Renewal](#)
- [Address Change - Email](#)
- [Address Change - Print Form](#)
- [Pay Dues On-Line](#)

2014 Rates

Membership dues are \$25.00 annually.

Life memberships are also available

monthly mailing and other member benefits, your annual dues of \$25 must be sent to us.

Please check your mailing label. If the first line contains R2013, A2013, W2013, P2013, or E2013, your membership expires at the end of December 2013. If you receive your Post Crypt and Phoenician on-line, the expiration date is opposite your name in the on-line e-mail roster or you may contact the office and they will be glad to give it to you. The Phoenix Society is able to accept on-line payments for dues. This option is available in the Members Only Section - On-Line Dues Payment.

with the price based on age.

Age	Cost
55-	\$800
60	
61-	\$600
69	
70+	\$400

Address Change

There are two ways to submit a change of address. One can be filled out online and sent via Email to the Phoenix Society, Inc.. If you prefer sending the information via regular mail, select the Print Form option.

[Address Change - Print Form](#)
[Address Change - Email](#)



You will need a copy of Adobe Acrobat Reader to access the Membership Application. If you do not already have it, click on the Acrobat Reader Icon to download a free copy.

Mail all completed forms to
Phoenix Society, Inc
PO Box 64
Annapolis Junction, MD
20701-0064.

For membership application and renewal forms, don't forget to include your check.

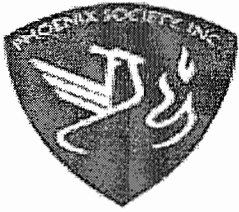
Email: contactus@thephoenixsociety.org

Phoenix Society, Inc. - PO Box 64 - Annapolis Junction, MD 20701-0064

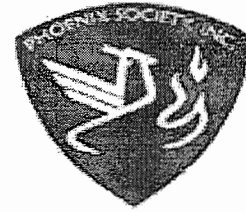
Attachment 1, p. 2

From: **Phoenix Society Staff** <contactus@thephoenixsociety.org>
Date: Tue, Jun 12, 2012 at 2:54 PM
Subject: 2012 - 155 - A Challenge to Current & Future Phoenix Society Members
To: [REDACTED]

[Trouble viewing this email? Read it online](#)



PHOENIX SOCIETY, INC.



12 JUNE 2012

A CHALLENGE TO CURRENT AND FUTURE PHOENIX SOCIETY MEMBERS

Are you up to the challenge of ensuring that the Phoenix Society is a leading edge, vibrant Agency organization? If you have talents that you can contribute to serving the travel, information technology, on-line communications and publication needs of our membership, we want to hear from you wherever you may currently live.

For more information, please contact the following Phoenix Society Board Members:

Information Technology Committee - Bruce D. [REDACTED]@hotmail.com)
and Louise S. [REDACTED]@verizon.net).

Publications Committee - Gail M. [REDACTED]@gmail.com).

Travel Committee - Kay D. [REDACTED]@msn.com) and
Elaine M. [REDACTED]@comcast.net).

The Phoenix Staff

Phoenix Email: contactus@thephoenixsociety.org
Phoenix Phone: 301-688-6413
Phoenix Web Site: <http://www.thephoenixsociety.org/>

Phoenix Society, Inc.
P.O. Box 64
Annapolis Junction Maryland 20701

Attachment 1; Roark
p. 3

From: Phoenix Staff <contactus@thephoenixsociety.org>
Date: Fri, Jan 18, 2013 at 12:12 PM
Subject: 2013-020 - Get Well Wishes To Retirees
To: [REDACTED]



PHOENIX SOCIETY, INC.



17 JANUARY 2013

GET WELL WISHES TO RETIREES

The office has received several emails recently about retirees who are ill and could use a little cheering up from their friends and co-workers. Thank you in advance for your calls, notes or get well cards.

Jack F [REDACTED] is recovering, at home, from quintuple cardiac bypass surgery on 4 January. He is doing well but we're sure he'd love to hear from you. If you want to send a card, his home address is: [REDACTED] MD [REDACTED]

Ray C [REDACTED] is suffering from stage 4 esophageal cancer. Ray worked many years in the old R/D organization at Ft. Meade. He indicated that he would like to talk to some of the folks that worked with us if possible. He can't talk very long on the phone but would enjoy a greeting from old friends. His telephone # is [REDACTED] his email address is [REDACTED]@aol.com

Lyle L [REDACTED] took a fall on the Saturday prior to Christmas and injured his neck. He was in the Maryland's Shock/Trauma Center for five days recovering from his neck surgery. He is now recovering in the Kernan Rehabilitation Hospital (room 603/1). His neck injury has left him with limited use of his right arm and leg. He is working hard to recover the use of both. I'm sure he would appreciate cards sent to his home at [REDACTED]

[REDACTED] Md. [REDACTED] He was in good spirits when one of our members and his wife visited him last Friday afternoon.

The Phoenix Staff

Phoenix Email: contactus@thephoenixsociety.org

Phoenix Phone: 301-688-6413

Phoenix Web Site: <http://www.thephoenixsociety.org/>

Phoenix Society, Inc.

P.O. Box 64

Annapolis Junction Maryland 20701

Attachment 1, P. 4 - Park

DOCID: 3524114

NATIONAL
SECURITY
AGENCY

NEWSLETTER

Volume XLVII, No. 11

November 1999

Approved for Release by NSA on
12-18-1999, FOIA Case # 16273

Happy
Thanksgiving

INSIDE THIS ISSUE:

- The Diamond Solution 4
- Native American Heritage Month 8
- NSA's First Employee Handbook 10

Attachment 1, p. 5
Roark

DOCID: 3524114

NSA Pioneers New Diamond-Based Technology

Open research often leads to the creation of new technology. The NSA Scientific Advisory Board recognized this when, in the late 1950's, it recommended that NSA create the Laboratory for Physical Sciences as an unclassified research organization associated with a major research institution. It would provide an opportunity for the academic and industrial research world to come together.

The Agency now conducts unclassified research in engineering and the physical sciences jointly with the University of Maryland at the Laboratory for Physical Sciences.

NSA's Involvement in Research and Development

Physicists at the Laboratory for Physical Sciences (LPS), a division in the Directorate of Technology, saw opportunities to use inexpensive industrial-grade diamond and aerosol spray cooling to solve problems encountered in high-performance computing engines and other systems that could overheat in field environments.

The solutions to these thermal problems did not require costly, high-quality single-crystal diamond

found in expensive jewelry, but the use of relatively inexpensive polycrystalline diamond produced by commercial plasma methods. These polycrystalline diamond plates have a thermal conductivity many times greater than that of copper and are very good electrical insulators.

In 1989, LPS scientists began a comprehensive research program to exploit synthetic diamond and aerosol spray cooling. It involved many divergent groups investigating applications which addressed heat and reliability issues. As a result, greatly improved thermal management properties were demonstrated. They were applied to reduce the size and weight of present-day supercomputers.

Smaller is Better

One of the first demonstration projects was to shrink a supercomputer to fit in a small suitcase. The original machine was approximately the size of a home refrigerator-freezer combination.

In 1998, this machine was successfully demonstrated at SGI Cray Research. It ran about 10 percent faster than the standard commercial version and was substantially smaller. Only the central processor elements and main memory were incorporated in this demonstration version.

In 1999, a joint NSA and Defense Applied Research Projects Agency program successfully demonstrated that portions of a supercomputer could be engineered to fit into a cube 6 inches on a side. It was made of diamond-based multi-chip modules and aerosol spray cooled to remove the 2,500 watts of heat from the system.

Diamond Details

Diamond is the world's hardest substance. It brings to mind a rare, beautifully faceted, very expensive, and large single-crystal gemstone.

Because of its fire and durability, diamond is unique among the natural mineral elements. Today, many of diamond's physical properties can be explained, such as why it is so different from the other allotropic forms of carbon. The extremely strong bonds between the carbon atoms in the diamond structure not only make it the hardest known material, but also the best conductor of heat.

Unlike other effective heat conductors, such as copper or silver, diamond is also an exceptional electrical insulator. The ability to move heat easily from one place to another is an attribute that is beneficial in high-performance microelectronic systems because heat is their mortal enemy.

Heat degrades the overall reliability of electronic systems. Its properties make diamond an ideal material for advanced semiconductor packaging applications. Moving heat is only half of the problem—ultimately it must be discarded into the environment.

Aerosol Spray Cooling Technique

An efficient way to extract heat and place it into the environment is to evaporate a liquid. The human body uses sweat to do this. A technique called aerosol spray cooling is a type of "high-tech sweat." Small droplets of liquid are sprayed onto a hot surface where they evaporate. Just as a perfume atomizer sprays a cloud of tiny liquid droplets onto a surface to evaporate, an aerosol spray nozzle does the same thing to a hot micro-

All Newsletters distributed to Agency facilities outside NSAW should be treated with extreme care. Because the Newsletter contains information about NSA employees and activities which is not routinely made available to the public, reasonable care must be taken to keep it within the circle of Agency employees, retirees, and immediate families. Newsletter copies received in the mail or taken from Agency buildings should be given special care and should be destroyed as soon as they have been read.

Attachment 1, P 6
 Hawk

DOCID: 3524114

electronic package in a computing system. The hot gas is recovered and recycled for reuse in a closed cycle system, just as in a home refrigerator or freezer. This evaporation process, or phase change from a liquid to a gas, removes the heat to a suitable place for dumping to the atmosphere.

The combination of diamonds to move heat, and aerosol spray cooling to extract heat from electronic devices, has played a pivotal role in

the design of high-performance computing systems at NSA.

The new computer, diamond-based technology, aerosol spray cooled systems, and advanced microelectronics thermal management techniques are on display in the NSA/CSS Demonstration Center in OPS 2B.

For more information on diamond research and aerosol spray cooling, contact Paul Boudreaux, Technical Director, Laboratory for Physical Sciences at 301-935-6547.—*mdh*

Survey Update

Thank you for letting the NSA/CSS Internal Communications Cell (NICC) know what you think of the *NSA Newsletter*. The NICC heard from hundreds of military assignees, civilian employees, and retirees, and we appreciate each response. The feedback is being tabulated and analyzed. Look for the results in upcoming editions!

Retirements

51 Years

James R. Child

43 Years

Kenneth A. Williams

37 Years

Catherine R. Allen
Shirley A. Barton
Dale F. Brigman
Laurence P. Coghlan III
Harry Timmons

36 Years

James R. Gunning
Glenn F. Wheeler

35 Years

Helen J. Collins
John L. Davies
Albert J. Fichter
George O. Kent, Jr.
Thomas Sandusky

34 Years

Vicki N. Meiser
Kenneth F. Pearce
Alan H. Roth
Linda C. Weibe

33 Years

Mary K. Bjorklund
Nikki G. Erdman
Jonathan A. Gerbracht
Jack R. Grimm
Alice Freeman Harris
George O. Little, Jr.
Mary J. Loyd

32 Years

Robert J. Liberatore
Gerald D. O'Connor
Cheryl J. Wheeler

30 Years

John M. McClean
Richard J. Rolfe
Sally L. Thomas

29 Years

Deborah J. Willis

28 Years

Frank C. Wirth

27 Years

Katherine G. Gray
Fredrick E. Pross

26 Years

Diane L. Bowen
John E. Burroughs

25 Years

Susan A. Cook
Susan A. Feibel
Barbara L. Gates
Andrew Slusar, Jr.

24 Years

James Cooper

23 Years

Lenore I. Bredthauer

21 Years

Susan J. Hyland

20 Years

John J. Bradish
Rebecca J. Glase
Carol E. D. Hart

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DOCID: 3524114

Schedule of Events

November 4, Storyteller Penny Gamble Williams, Tribal Chief of the Chappaquidick Tribe of the Wampanoag Indian Nation, 9:00-11:00 a.m., Canine Suite

November 12, Film, "Smoke Signals," 10:00 a.m.-noon, R & E Symposium Center

November 17, Flag Raising, 8:00 a.m., OPS 2A
 American Indian/Alaskan Native Luncheon, 11:00 a.m.-12:30 p.m., Canine Suite

Registration is available on the EEO HomePage at <http://www.s.nsa/ERS/EEO/events.html>.

Health Benefits

The Health Benefits Open Season is ongoing through Monday, December 13. Individual plan brochures and the 2000 Comparison Guides are available in the Integrated Personnel Activities (IPAs), NSA Customer Service Centers, and the Health Benefits Office (SAB 1, Room S1CN03).

Even employees who do not plan on making an Open Season change should review the new 2000 brochure for their current plan because premiums and coverage may change. Electronic versions of most brochures are available on the Agency's Retirement and Insurance HomePage and on the Office of Personnel Management's INTERNET Webpage at www.opm.gov/insure.

New enrollments and changes will be effective January 2, 2000. Questions may be referred to the Health Benefits Office at 963-4524(s) or 410-854-6063.

Awards

MERITORIOUS CIVILIAN SERVICE AWARD



Richard S. Berardino



Cynthia S. Dearfield



Robert W. Jackson

DIRECTOR'S DISTINGUISHED SERVICE MEDAL



Robert J. Liberatore



Alice Freeman Harris

EXCEPTIONAL CIVILIAN SERVICE AWARD



Maria N. O'Connor

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Club Notes

Celtic Forum meets the last Tuesday of every month. Anyone interested in the culture, art, languages, or heritage of the Celtic lands (Brittany, Cornwall, Ireland, Man, Scotland, and Wales) or peoples is welcome to attend. For further information, contact Karen Davis (kmdavis@nsa), 301-688-7884.

Comic Book/Science-Fiction Memorabilia Collectors Club meets the first Friday of every month. The club provides a forum for people interested in comic books, science fiction, games, and other fandom. A second meeting for family members to attend is held on the third Saturday of each month at the Provinces Library. For more information, contact Ann White (abwhit1@nsa).

Deep Sixers SCUBA Diving Club will hold its monthly meeting on Thursday, November 18 at 7:00 p.m. Possible fall trips include a heated lake in West Virginia and fossil hunting at Calvert Cliffs. A December road trip for Florida diving is in the planning. There is quarry diving at Bainbridge most weekends. There is an on-line Deep Sixers Dive Club through home INTERNET that offers a chat room, message board, on-line calendar, and photo gallery. For more club information, contact Mark at 301-688-7681.

Hispanic Forum meets every month and offers a wide array of activities throughout the year. For more information about the forum's goals, activities, and how to join, subscribe to ESS 1252 or contact Ivette Collazo

(imcolla@nsa). The Hispanic Forum's activities are open to all employees.

Parkway Coin and Stamp Club will hold its monthly stamp meeting Thursday, November 4 at noon. The monthly coin meeting will be Thursday, November 18 at noon. Meeting locations will be displayed in the showcase opposite the OPS 1 Cafeteria entrance during the week of each meeting. Anyone interested is invited to attend. For stamp club information, contact Grover Hinds at 301-688-4598. For coin club information, contact Mitch Ross at 301-688-8428.

Socially Oriented Bikers Motorcycle Club will meet Wednesday, November 3 and December 1 at 5:00 p.m. at Perry's in Odenton. Meetings are scheduled for the first Wednesday of each month. For more exciting news on the club, subscribe to Electronic Subscription Service (ESS) 111 or visit the club's Web site via INTERNET. Future rides include Lancaster, PA; Eastern Shore; and Laconia Bike Rally, NH. Lunch rides are held the third Wednesday of each month at 11:30 a.m. Membership costs \$12 per year. For further information, contact Ron at 301-688-1051, Kent at 301-688-0905, or Brenda at 301-688-4292.

Single People in Activities Recreational and Cultural (SPARC) events for November include dining out at Elkridge Furnace Inn, the Sugarloaf Craft Fair, the Ellicott City Ghost Tour, a game and card event, a singles dance, a monthly activities planning meeting, and weekly happy hours and trivia at Hurricanes. For more information, subscribe to ESS 1444 or contact Sally Biggerstaff at 972-2270(s) or 301-688-0146.

Women and Men in NSA (WIN) is now accepting nominations for the 1999 Dorothy T. Blum Award for Excellence in the employee personal and professional development arena.

The award recognizes Agency employees who have helped other individuals (not necessarily those they have worked with) to attain their personal or professional goals.

The award is named in memory of Dorothy T. Blum, who believed that people are NSA's most valuable resource and provided opportunities, guidance, and encouragement to many Agency employees. The awardee, whose name will be announced at a WIN luncheon in late February 2000, will receive \$250 and a small inscribed plaque. Last year's recipient was Deborah Shoemaker.

Nominations should include the name, organization, and telephone number of both the submitter and the nominee; a summary paragraph explaining why the person deserves to be recognized; one or two paragraphs with specific details; and any information relevant to the nomination.

Three copies of the nomination should be sent to the Dorothy T. Blum Award Committee of WIN, in care of CWF, VCC, OPS 2A, Room 210, by February 5, 2000. The point of contact is Barbara Clark, 301-688-2958, OPS 2B, Room 5118.

CWF Holiday Party

The Civilian Welfare Fund presents "Kohl and Company," December 4, 9:00 a.m., 11:00 a.m., and 1:00 p.m., OPS 2A/2B Cafeteria. For more information, contact the CWF at 301-688-7337.

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Paul Derthick's Headline Puzzleby Larry Gray

The following are headlines from recent daily newspapers. Each of the five is a different letter-for-letter substitution. All five are derived from the same mixed alphabet at different settings against itself. For Paul Derthick's explanation of how to do the Headline Puzzle, visit Website http://nicc.fanx.snsa/newsletter/news_puzzle.html.

1. GWEEHJFCT RZKXA'Q RZKKAQ QVEFCA GWCAETAQ HC CKEVG JFEKZHC
2. AOVPSQQV. QSOSEAH VQUOVU MSGQMJEQJMVZR DOUR URZSMG VRPSGQAMG
3. EGKJU EUZXRDTJ GD HKUXWG XRAG'J HGSRWRAZS JWZWKJ JGKTEW
4. BLEQ MFNFUC QLBGXXC LC FBVFLBC CUHI KXXG-MHBE CGFV
5. GJZB BPLUH DUBGHZ SJAA IUH PMCGXGMCMSG IHUL. PMCUMGZPJ

Answer will appear next month.

Answer to October Puzzle:

1. DEMOCRAT'S HOPING TO CLOSE GAP IN REPUBLICAN-CONTROLLED SENATE
2. SYBASE BOARD APPROVES BUYBACK OF OUTSTANDING STOCK
3. SLOW-GROWTH ACTIVISTS UPSET OVER HIGH-TECH PUSH FOR ROADS
4. KAFELNIKOV VICTOR OVER KIEFER AT LEGG MASON TENNIS CLASSIC
5. RUSSIAN ECONOMY BEING CRIPPLED BY MASSIVE FLIGHT OF CAPITAL

Setting: ESKER Key: MORAINÉ Hat: DRUMLIN

Paradise Island

Hidden below are 25 words associated with the word island. The words read in any direction and any letter may be used more than once.

S	S	T	Z	N	L	P	T	O	U	R	I	S	T	S
T	M	U	G	D	C	L	A	M	B	A	K	E	S	E
T	I	C	R	T	Z	Y	I	N	U	Q	I	H	E	R
E	R	I	H	S	P	M	A	H	W	E	N	C	C	I
S	G	T	O	A	H	O	D	Y	R	U	N	A	N	H
U	L	C	D	E	R	U	S	A	L	E	M	E	A	S
H	I	E	E	H	S	T	L	L	D	I	K	B	N	K
C	P	N	I	T	A	H	F	I	O	D	F	N	T	R
A	V	N	S	R	R	R	V	O	W	B	I	U	E	
S	E	O	L	O	W	O	B	X	R	M	S	A	C	B
S	R	C	A	N	R	C	P	O	A	D	H	T	K	P
A	M	G	N	P	Y	K	V	W	R	F	I	E	E	O
M	O	F	D	Z	M	A	I	N	E	S	N	I	T	R
L	N	G	A	P	B	O	S	T	O	N	G	Q	R	T
L	T	G	N	I	I	K	S	P	W	P	R	Z	R	S

In Memoriam

Mark F. Abernathy, a security support specialist in the Support Services Organization, died August 7. He was 46.



A native and resident of Baltimore, MD, Mr. Abernathy joined the Agency in 1986.

Mr. Abernathy is survived by his wife, Patricia.

Virginia H. Davis, a former analyst in the Operations Organization, died June 4. She was 74.

Ms. Davis began her Agency career at Arlington Hall. She retired in 1973 with 24 years of Federal service. Ms. Davis most recently resided in Dayton, VA. She enjoyed travel.

Gerald A. Deckert, a manager in the Operations Organization, died July 28 of a heart attack. He was 46.



Mr. Deckert earned a degree in engineering from Washington State University. He

joined the Agency in 1975. Mr. Deckert resided in Elkridge, MD. He was a cycling enthusiast, a philatelist, and active in the Boy Scouts.

Mr. Deckert is survived by his wife, Barbara; a son, Brian; and a daughter, Claire.

Douglas A. Fletcher, a logistics officer in the Support Services Organization, died August 25 of ventricular fibrillation. He was 52.

Mr. Fletcher joined the Agency in 1965. He earned an Associates of Arts Degree in Business Administration

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S. AMANDA MARSHALL, OSB # 95347

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District of Oregon

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Attorneys for Defendant United States

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DIANE ROARK,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: 6:12-CV-01354-MC

**DEFENDANT'S UNOPPOSED MOTION
TO STRIKE PLAINTIFF'S REPLY TO
DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO COMPEL**

Defendant the United States of America, by S. Amanda Marshall, United States Attorney for the District of Oregon, and through James E. Cox, Jr., Assistant United States Attorney for the District of Oregon, submits this unopposed motion to strike Plaintiff's reply to Defendant's response to Plaintiff's motion to compel (Dkt. 105).

On March 11, 2015, Plaintiff filed a reply brief in support of Plaintiff's motion to compel. (Dkt. 105.) Local Rule 26.3(c) provides that "[u]nless otherwise directed by the Court, a movant may not file a reply supporting a discovery motion."¹ The Court did not direct that Plaintiff file a reply brief in support of Plaintiff's motion to compel. Thus, the brief was not permitted under the local rules, and should be struck from the record.

For the foregoing reasons, Defendant respectfully requests that the Court strike Plaintiff's reply to Defendant's response to Plaintiff's motion to compel (Dkt. 105) from the record.

DATED this 11th day of March 2015.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/ James E. Cox, Jr.
JAMES E. COX, JR.
Assistant United States Attorney
Attorneys for Defendant

¹ Plaintiff has informed Defendant's counsel that she was not aware of this local rule.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Defendant's Unopposed Motion to Strike Plaintiff's Reply to Defendant's Response to Plaintiff's Motion to Compel** was placed in a postage prepaid envelope and deposited in the United States Mail at Portland, Oregon on March 11, 2015, addressed to:

Diane Roark
2000 N. Scenic View Dr.
Stayton, OR 97383

And was sent via email to the following email address:

gardenofeden@wvi.com

/s/ Shari McClellan
SHARI McCLELLAN