

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

AMERICA FIRST LEGAL  
FOUNDATION,  
611 Pennsylvania Ave., SE #231  
Washington, D.C. 20003

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

*Defendant.*

Civil Action No.: 1:23-cv-1049

**COMPLAINT**

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against the United States Department of Justice (“DOJ”), to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

3. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

## **PARTIES**

4. The Plaintiff, AFL, is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

5. The Defendant is the Department of Justice (DOJ), an agency under 5 U.S.C. § 552(f), with its headquarters in the Robert F. Kennedy Building, located at 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

6. The Defendant has possession, custody, and control of the requested records.

## **BACKGROUND**

7. Transparency is key to a thriving democracy. Without it, it is impossible for citizens to hold Government accountable.

8. Indeed, the Biden Administration routinely states that it is committed to a transparent, open, and ethical government.<sup>1</sup>

9. “Timely disclosure of records is also essential to the core purpose of FOIA.” U.S. DEP’T JUST., Freedom of Information Act Guidelines (Mar. 15, 2022), <https://tinyurl.com/2yd463dv>.

10. Yet, questions remain about whether the individuals selected to lead various agencies have adequate qualifications, and whether they have conflicts of interest that should preclude them from serving in those positions.

11. To ensure transparency, the Government must be open about the backgrounds and qualifications of individuals that have been selected to lead our most important agencies, including the Department of Justice.

12. Importantly, that transparency must, at a minimum, include sufficient information to assure citizens that those leading our most powerful agencies are not influenced by conflicts of interest from previous experiences.

## **AFL’S FOIA REQUESTS**

### *Political Appointees Request*

13. To better understand the background of individuals hired by the DOJ, AFL submitted a FOIA request to the DOJ on July 12, 2021. *See Ex. A.*

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<sup>1</sup> *FACT SHEET: Biden-Harris Administration Prioritizes Effectiveness, Accountability, and Transparency in Bipartisan Infrastructure Law Implementation*, THE WHITE HOUSE (Apr. 29, 2022), <https://tinyurl.com/bdhrccyk>; *Biden White House Pledges Data, Transparency, Respect for Free Press*, REUTERS (Jan. 20, 2021), <https://tinyurl.com/3fzz25mf>; *Mark Joyella, Biden’s White House Press Secretary Promises ‘Trust and Transparency,’* FORBES (Jan. 20, 2021), <https://tinyurl.com/2p8729wz>.

14. This request sought a fee waiver. *See id.*

15. On August 9, 2021, DOJ acknowledged that request and assigned it tracking number FOIA-2021-01699. *See Ex. B.*

16. On October 8, 2021, DOJ notified AFL that the request was being closed because it sought records held by the Justice Management Division (JMD). *See Ex. C.*

17. That email instructed AFL to file a request with JMD if AFL wished to obtain these records.

18. DOJ has a legal obligation to forward the request to the proper component instead of merely closing the request. *See U.S. Dep't of Just., New Requirement to Route Misdirected FOIA Requests, (last updated July 28, 2021) <https://bit.ly/43j0NkB>.*

19. However, AFL attempted to cooperate with DOJ to get its request processed instead of appealing the decision or proceeding to litigation.

20. AFL filed a new request directly with JMD (seeking the same records) on March 7, 2021. *See Ex. D.*

21. This request also sought a fee waiver. *See id.*

22. On March 14, 2022, JMD sent an email acknowledging AFL's request. *See Ex. E.*

23. This acknowledgment assigned the request tracking number 127724. *See id.*

24. As of the date of this complaint, AFL has received no further updates from JMD regarding its request.

*ODAG Request - Guttentag*

25. On April 20, 2022, AFL submitted a request to the DOJ seeking the calendar of Lucas Guttentag over a given time period. *See Ex. F.*

26. This request sought a fee waiver. *See id.*

27. On May 16, 2022, AFL received an email from the DOJ acknowledging the request and assigned it tracking number FOIA-2022-01110. *See Ex. G.*

28. That email also assigned the request to the complex processing track. *See id.*

29. On May 17, 2022, AFL replied to that email and asked for an explanation of the decision to categorize it as a complex request. *See Ex. H.*

30. As of the date of this complaint, AFL has received no further updates from DOJ regarding this request.

*ODAG Request – O’Herron*

31. On April 20, 2022, AFL submitted a request to the DOJ seeking the calendar of Margaret (Margie) O’Herron over a given time period. *See Ex. I.*

32. This request sought a fee waiver. *See id.*

33. On May 18, 2022, AFL received an email from the DOJ acknowledging the request and assigned it tracking number FOIA-2022-01111. *See Ex. J.*

34. That email also assigned the request to the complex processing track. *See id.*

35. As of the date of this complaint, AFL has received no further updates from DOJ regarding this request.

### **CLAIM FOR RELIEF**

#### **Violation of the FOIA, 5 U.S.C. § 552**

36. AFL incorporates paragraphs 1-35 by reference.

37. AFL properly requested records within the possession, custody, and control of the DOJ.

38. The DOJ failed to conduct searches for responsive records.

39. Moreover, because DOJ failed to conduct searches, it has failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).

40. The DOJ has failed to respond to AFL's requests within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

41. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

42. The DOJ has violated the FOIA by failing, within the prescribed time limit, to reasonably search for records responsive to AFL's FOIA request and release nonexempt records.

### **PRAYER FOR RELIEF**

WHEREFORE, AFL respectfully requests that this Court:

- i. Declare that the records sought by AFL's requests must be disclosed pursuant to 5 U.S.C. § 552;

- ii. Order the Defendant to search immediately, demonstrating search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order the Defendant to produce by a date certain all non-exempt records responsive to AFL's FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption;
- iv. Order the Defendant to grant AFL's requests for fee waivers;
- v. Award AFL attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- vi. Grant AFL such other and further relief as this Court deems proper.

Date: April 11, 2023

Respectfully Submitted

/s/ Jacob Meckler  
Michael Ding (D.C. Bar No. 1027252)  
Tel: (202) 964-3721  
E-mail: Michael.Ding@aflegal.org  
Jacob Meckler (D.C. Bar No. 90005210)  
Tel: (972) 861-2132  
E-mail: Jacob.Meckler@aflegal.org  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003  
*Counsel for the Plaintiff*  
*America First Legal Foundation*



July 12, 2021

**Via FOIA STAR**

Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

**Freedom of Information Act Request: Information Regarding Political Leadership and Staffing at the Department of Justice**

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization. AFL works to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and promote knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States.

AFL’s mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, to educate the public. At the core of this mission is knowing who the people are that have been selected to lead the government on a day-to-day basis and ensuring that they are qualified to hold those positions. Therefore, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, AFL hereby requests the following records within twenty business days.

**I. Definitions**

For the purposes of this request, “Political Appointee” means any person who is employed by the Department who is: 1) Presidentially Appointed and Senate Confirmed (“PAS”); 2) Presidentially Appointed (“PA”); 3) in a non-career Senior Executive Service (“SES”) position; 5) a career SES but has been detailed to a leadership or political position since January 20, 2021, 6) a Schedule C employee; 7) in an administratively determined position; 8) in a position that was filled by coordination with, or through, the White House Liaison or Presidential Personnel Office (“PPO”); or 9) a Special Government Employee (“SGE”).



To the extent an SGE is not a Political Appointee or an actual employee any request or reference to a political appointee or employee should be read to mean “Political Appointee or SGE.”

Requests A through C below are intended to be enterprise-wide, meaning that any political appointee who has been hired should be identified regardless of the office or component in which they work.

## **II. Requested Records**

- A. Records sufficient to identify all employees who entered into a position at the agency as a Political Appointee since January 20, 2021, to the date this records request is processed, and the title or position of each employee (to the extent that individuals have held multiple positions during this time period, identify each title or position and the time period it was held).
- B. Records sufficient to identify all career employees who, between January 20, 2021, and the date this records request is processed, have been detailed to 1) a position eligible to be filled by a Political Appointee, or 2) a new position through coordination or consultation with either the White House Liaison or Presidential Personnel Office; the title or position of each employee while on detail; and each employee’s originating agency or component, and prior title.
- C. For each individual identified in response to Requests 1 and 2 provide:
  1. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or if that is not available, a recent resume contained within the agency’s records. AFL has no objection to the redaction of employee’s contact information, such as email, address, phone numbers etc.; however, prior employment, education, and descriptions of such experiences are not exempt and should be produced.
  2. Any waivers issued to the individual pursuant to 18 U.S.C. § 208(b).
  3. Any authorizations for the individual issued pursuant to 5 C.F.R. § 2635.502.
  4. Any Ethics Pledge waivers, issued pursuant to Section 3 of Executive Order 13989 and Office of Government Ethics Legal Advisory 21-04, received by the individual.
  5. Any ethics agreement executed by the individual; any Certification of Ethics Agreement Compliance; and any records relating to any violation by an individual of his or her ethics agreement.

6. Records reflecting any recusal determination made or issued for the individual.
7. Copies of any SF-50 forms for the individual reflecting any change in position, title, or salary, including when the employee starts or leaves a position.
8. Completed Ethics Pledge for each individual.

### III. Redactions

Redactions are disfavored as the FOIA's exemptions are exclusive and must be narrowly construed. *Am. Immigration Lawyers Ass 'n v. Exec. Office for Immigration Review (AILA)*, 830 F.3d 667, 676-79 (D.C. Cir. 2016). If a record contains information responsive to a FOIA request, then Department of State must disclose the entire record; a single record cannot be split into responsive and non-responsive bits. *Id.*; see also *Parker v. United States DOJ*, 278 F. Supp. 3d 446, 451 (D.D.C. 2017). Consequently, you should produce email attachments.

In connection with this request, and to comply with your legal obligations:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please construe the term “record” in the broadest possible sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek all records, including electronic records, audiotapes, videotapes, and photographs, as well as texts, letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request includes any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive to our request, then our request includes all prior messages sent or received in that email chain, as well as any attachments.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; AFL has a right to records contained in those

files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to governmentwide requirements to manage agency information electronically, and many agencies have adopted the National Archives and Records Administration (“NARA”) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

#### **IV. Fee Waiver Request**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your regulations, AFL requests a waiver of all search and duplication fees associated with this request.

First, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of records and creation of editorial content through regular substantive analyses posted to its website. For example, its officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others. The public’s understanding of your policies and practices will be enhanced through AFL’s analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL’s financial interest.

Second, waiver is proper as disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”<sup>1</sup> Moreover, the Administration has made several significant and public commitments to transparency, openness, and ethics. The public has a significant interest in understanding the qualifications of the individuals selected to lead the Department and implement the Administration’s policies and priorities. The public also has a significant interest in ensuring that government decisions are not influenced by improper conflicts of interest or other unethical conduct.

## **V. Production**

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis.

If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 600 14<sup>th</sup> Street NW, 5<sup>th</sup> Floor, Washington, D.C. 20005.

## **VI. Conclusion**

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at [foia@aflegal.org](mailto:foia@aflegal.org). Finally, if AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Thank you,

/s/ Reed D. Rubinstein  
Reed D. Rubinstein  
America First Legal Foundation

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<sup>1</sup> 5 U.S.C. § 552(a)(4)(A)(iii).



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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Telephone: (202) 514-3642

August 9, 2021

Reed Rubinstein  
America First Legal Foundation  
[foia@aflegal.org](mailto:foia@aflegal.org)

Re: FOIA-2021-01699

Dear Reed Rubinstein:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on July 12, 2021, in which you requested employment records of Department of Justice political appointees since January 20, 2021.

The records you seek require a search in and/or consultation with another Office, and so your request falls within “unusual circumstances.” See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact this Office by telephone at the above number or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison, Valeree Villanueva, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601

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Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,  
Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice



**U.S. Department of Justice**  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

October 8, 2021

Reed Rubenstein  
America First Legal Foundation  
[foia@aflegal.org](mailto:foia@aflegal.org)

Re: FOIA-2021-01699  
DRH:GMG

Dear Reed Rubenstein:

This responds to your Freedom of Information Act request dated and received in this Office on July 12, 2021, in which you requested personnel records of Department of Justice political appointees since January 20, 2021.

Upon further review of your request, I have determined that the Justice Management Division (JMD) is the Department component most likely to maintain the records you are seeking. JMD maintains personnel records on behalf of the Department's senior leadership offices, including records related to administrative personnel matters, ethics, and recusals. As such, I suggest that you direct your request to JMD, if you have not already done so. Contact information for JMD can be found on [www.foia.gov](http://www.foia.gov).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552 (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC

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20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard". The signature is stylized and includes a small "DR" monogram at the end.

Douglas R. Hibbard  
Chief, Initial Request Staff





March 7, 2022

**Via FOIA STAR**

Karen McFadden  
Justice Management Division  
Department of Justice  
Room 1111 RFK, 950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

**Freedom of Information Act Request: Information Regarding Political Leadership and Staffing at the Department of Justice**

Dear Ms. McFadden:

America First Legal Foundation (“AFL”) is a national, nonprofit organization. AFL works to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and promote knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States.

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To the extent an SGE is not a Political Appointee or an actual employee any request or reference to a political appointee or employee should be read to mean “Political Appointee or SGE.”

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## **II. Requested Records**

- A. Records sufficient to identify all employees who entered into a position at the agency as a Political Appointee since January 20, 2021, to the date this records request is processed, and the title or position of each employee (to the extent that individuals have held multiple positions during this time period, identify each title or position and the time period it was held).
- B. Records sufficient to identify all career employees who, between January 20, 2021, and the date this records request is processed, have been detailed to 1) a position eligible to be filled by a Political Appointee, or 2) a new position through coordination or consultation with either the White House Liaison or Presidential Personnel Office; the title or position of each employee while on detail; and each employee’s originating agency or component, and prior title.
- C. For each individual identified in response to Requests 1 and 2 provide:
  1. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or if that is not available, a recent resume contained within the agency’s records. AFL has no objection to the redaction of employee’s contact information, such as email, address, phone numbers etc.; however, prior employment, education, and descriptions of such experiences are not exempt and should be produced.
  2. Any waivers issued to the individual pursuant to 18 U.S.C. § 208(b).
  3. Any authorizations for the individual issued pursuant to 5 C.F.R. § 2635.502.
  4. Any Ethics Pledge waivers, issued pursuant to Section 3 of Executive Order 13989 and Office of Government Ethics Legal Advisory 21-04, received by the individual.

5. Any ethics agreement executed by the individual; any Certification of Ethics Agreement Compliance; and any records relating to any violation by an individual of his or her ethics agreement.
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### III. Redactions

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In connection with this request, and to comply with your legal obligations:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please construe the term “record” in the broadest possible sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek all records, including electronic records, audiotapes, videotapes, and photographs, as well as texts, letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request includes any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive to our request, then our request includes all prior messages sent or received in that email chain, as well as any attachments.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject

to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; AFL has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to governmentwide requirements to manage agency information electronically, and many agencies have adopted the National Archives and Records Administration (“NARA”) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

#### **IV. Fee Waiver Request**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your regulations, AFL requests a waiver of all search and duplication fees associated with this request.

First, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of records and creation of editorial content through regular substantive analyses posted to its website. For example, its officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, as we have already done with other agencies. The public’s understanding of

your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL's financial interest.

Second, waiver is proper as disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."<sup>1</sup> Moreover, the Administration has made several significant and public commitments to transparency, openness, and ethics. The public has a significant interest in understanding the qualifications of the individuals selected to lead the Department and implement the Administration's policies and priorities. The public also has a significant interest in ensuring that government decisions are not influenced by improper conflicts of interest or other unethical conduct.

## V. Production

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis.

If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

## VI. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at [foia@aflegal.org](mailto:foia@aflegal.org). Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Thank you,

/s/ Reed D. Rubinstein  
Reed D. Rubinstein  
America First Legal Foundation

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<sup>1</sup> 5 U.S.C. § 552(a)(4)(A)(iii).



AFL FOIA <foia@aflegal.org>

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**Assigned JMD FOIA TRACKING NUMBER: 127724 (Intranet Quorum IMA00160858)**

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**JMD-FOIA(imailagent)** <iq.ima@usdoj.gov>  
To: FOIA@aflegal.org

Mon, Mar 14, 2022 at 3:08 PM

March 14, 2022

Mr. Reed D. Rubinstein  
America First Legal Foundation  
[600 14th St NW, Floor 5](#)  
[Washington, DC 20005-2008](#)

Re: Request for resumes, ethics waivers, and ethics documents for political appointees and career employees detailed to a political position from January 20, 2021 - present

Assigned JMD FOIA TRACKING NUMBER: 127724

Dear Mr. Rubinstein:

This is to acknowledge receipt of your Freedom of Information Act request dated 3/7/2022 and received in this office on 3/7/2022 in which you requested records concerning the subject identified above.

For your information, the Justice Management Division assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately one month whereas complex requests necessarily take longer. At this time, your request has been assigned to the Complex track. Please note that as a general matter, records in the Department are decentralized and our response will only cover information originating with or relating to JMD. If you are seeking information originating with or relating to other components of the Department, please make a FOIA request directly to those components.

If you have a question about the status of your FOIA request, you may contact this office by emailing [JMDFOIA@usdoj.gov](mailto:JMDFOIA@usdoj.gov) or by calling 202-514-3101 during regular business hours (Monday through Friday, 9 a.m. to 5 p.m., Eastern Time, excluding federal holidays). Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

Please refer to your assigned JMD FOIA TRACKING NUMBER listed above whenever you contact the Department regarding this request.

Sincerely,

Karen E. McFadden  
FOIA Contact  
Justice Management Division

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 **IQFormatFile.txt**  
1K

[My Account](#)
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[TRACKING INBOX](#)

Tracking Inbox » Request



FOIA-2022-01110

Requester: Rubinstein, Reed

Status: In Progress

**Request**

**Request Information**

Request Type	Request	Agency	OIP
Request Date	04/20/2022	Document Delivery Method	Email

**Requester Information**

Salutation		Address Type
First Name	Reed	Country
Middle Name		Address Line 1
Last Name	Rubinstein	Address Line 2
Email Address	foia@aflegal.org	City
Organization	America First Legal Foundation	State
Register Number		Zip/Postal Code
Phone Number		
Fax Number		
Other Information		

**Description of Request**

Description	All calendar items, including attachments, for Lucas Guttentag from January 20, 2021, until May 1, 2022.
File Type 1	
File 1	
File Type 2	
File 2	
File Type 3	
File 3	

**Expedited Processing Information**

Expedited Processing Requested?	No
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**Fee Information**



Will Pay Up To	25.00	Fee Waiver Justification
Fee Category	Representative of the news media	
Fee Waiver Requested?	Yes	

Per 5 U.S.C. § 552(a)(4), duplication fees are waived. First, AFL is a qualified media requester. It demonstrated its creation of editorial content to its website. For television and use it has obtained and make your records of citizens, scholarly policies and practices publication of the information does not have a commercial purpose. requested is not in the public interest and Homeland Security Intelligence. Second, waiver is "in the public interest" public understanding of the information. U.S.C. § 552(a)(4).



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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Telephone: (202) 514-3642

May 16, 2022

Reed Rubinstein  
America First Legal Foundation  
[foia@aflegal.org](mailto:foia@aflegal.org)

Re: FOIA-2022-01110

Dear Reed Rubinstein:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on April 20, 2022, in which you requested the calendars of Lucas Guttentag from January 20, 2021, to May 1, 2022.

The records you seek require a search in and/or consultation with another Office, and so your request falls within “unusual circumstances.” See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact this Office by telephone at the above number, by e-mail at [doj.oip.foia@usdoj.gov](mailto:doj.oip.foia@usdoj.gov), or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison, Valeree Villanueva, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601

-2-

Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,  
Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice



AFL FOIA <foia@aflegal.org>

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**FOIA-2022-01110**

1 message

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**AFL FOIA** <foia@aflegal.org>

Tue, May 17, 2022 at 4:54 PM

To: "Hibbard, Douglas (OIP)" <Douglas.Hibbard@usdoj.gov>, Andrew Block <andrew.block@aflegal.org>, doj.oip.foia@usdoj.gov

Good afternoon,

This email is in response to the correspondence we received yesterday (attached).

The letter mentions that the records we seek require a search in or consultation with another office and thus presents unusual circumstances. The letter also states this request has been assigned to the complex track.

Can you please clarify how the calendar items for one custodian presents the need to search multiple Offices or presents "unusual circumstances." While I understand that certain issues may arise in the course of processing records, I don't understand how this request presents a complex issue for the initial search.

Thank you for your assistance,  
Sincerely,  
Andrew Block

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 **02. Acknowledgment Letter (5.16.22).pdf**  
145K

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[TRACKING INBOX](#)

Tracking Inbox » Request



FOIA-2022-01111

Requester: Rubinstein, Reed

Status: In Progress

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	04/20/2022	Document Delivery Method	Email

Requester Information

Salutation		Address Type
First Name	Reed	Country
Middle Name		Address Line 1
Last Name	Rubinstein	Address Line 2
Email Address	foia@aflegal.org	City
Organization	America First Legal Foundation	State
Register Number		Zip/Postal Code
Phone Number		
Fax Number		
Other Information		

Description of Request

Description All calendar items, including attachments, for Margaret (Margie) O'Herron (ODAG) from January 20, 2021, until May 1, 2022.

File Type 1  
 File 1  
 File Type 2  
 File 2  
 File Type 3  
 File 3

Expedited Processing Information

Expedited Processing Requested? No

Fee Information

Will Pay Up To	25.00	Fee Waiver Justification
Fee Category	Representative of the news media	
Fee Waiver Requested?	Yes	

Per 5 U.S.C. § 552(a)(4), duplication fees are waived. First, AFL is a qualified media requester. It demonstrated its creation of editorial content to its website. For television and use it has obtained and make your records of citizens, scholar policies and practices publication of the information does not have a commercial purpose. requested is not in the public interest and Homeland Security Intelligence. Second, waiver is "in the public interest" public understanding of the information. U.S.C. § 552(a)(4).



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

May 18, 2022

Reed Rubinstein  
America First Legal Foundation

Re: FOIA-2022-01111  
DRH:MSH

foia@aflegal.org

Dear Reed Rubinstein:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on April 20, 2022, seeking the calendars of Margy O'Herron from January 20, 2021, to May 1, 2022

The records you seek require a search in and/or consultation with another Office, and so your request falls within unusual circumstances. See 5 U.S.C. 552 (a)(6)(B)(i)-(iii) (2021). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact this Office by telephone at the above number, by email at [doj.oip.foia@usdoj.gov](mailto:doj.oip.foia@usdoj.gov), or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison, Valeree Villanueva, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,  
Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice



**CIVIL COVER SHEET**

JS-44 (Rev. 11/2020 DC)

<b>I. (a) PLAINTIFFS</b> AMERICA FIRST LEGAL FOUNDATION  (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> UNITED STATES DEPARTMENT OF JUSTICE  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Jacob Meckler America First Legal Foundation 611 Pennsylvania Avenue SE #231 Washington, D.C. 20003 Tel: (972) 861-2132	ATTORNEYS (IF KNOWN)

<b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b>																								
<input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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<input type="radio"/> <b>E. General Civil (Other)</b>		OR	<input type="radio"/> <b>F. Pro Se General Civil</b>	
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609  <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)	

<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input checked="" type="radio"/> <b>I. FOIA/Privacy Act</b>  <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Suit against the Department of Justice to compel compliance with the FOIA, 5 U.S.C. § 552.

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <b>JURY DEMAND:</b>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: April 14, 2023	SIGNATURE OF ATTORNEY OF RECORD: /s/ Jacob Meckler
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

AMERICA FIRST LEGAL FOUNDATION

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF JUSTICE

*Defendant*

Civil Action No. 1:23-cv-1049

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Merrick B. Garland, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JACOB MECKLER  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: April 14, 2023

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:23-cv-1049

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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

AMERICA FIRST LEGAL FOUNDATION

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF JUSTICE

*Defendant*

Civil Action No. 1:23-cv-1049

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* U.S. Attorney for the District of Columbia  
Attn: Civil Process Clerk  
601 D Street, NW  
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JACOB MECKLER  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: April 14, 2023

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:23-cv-1049

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: