

DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
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ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

June 7, 2024

[VIA EMAIL: [foia@aflegal.org](mailto:foia@aflegal.org)]  
Jacob Meckler  
America First Legal Foundation  
611 Pennsylvania Ave. SE #231  
Washington, DC 20003

Re: 24F0358 – FOIL #7 dated June 3, 2024  
Communications Referencing Judge Merchan

To Jacob Meckler:

I am an Assistant District Attorney in New York County assigned to be the Records Access Officer in connection with your request under the Freedom of Information Law (FOIL). The request was received by this office via email on June 3, 2024. Your request is denied in its entirety.

Your FOIL request is denied as overbroad, and for failing to reasonably describe the records you seek. See *Asian Am. Legal Defense Education Fund, supra*, *Matter of Madden v. Village of Tuxedo Park*, 192 AD3d 802 (2d Dept 2021) citing POL § 89(3)(a) and *Matter of Data Tree, LLC v. Romaine*, 9 NY3d 454, 466 (2007). First, you have not provided a date range for your request, thus suggesting we should search records for each of the custodians for the entire duration of their employment at this office—in some cases as far back as 25 years. Moreover, your request for “all communications” is not limited to any particular type of communications, and therefore necessarily encompasses not only electronic communications such as emails and text messages, but also documents such as letters and notes, thus requiring we search not only through our current electronic email system, but also through all files of cases handled by each of the listed attorneys. In addition, your search is for all communications “containing the term ‘Merchan,’” a sitting Justice in New York County Supreme Court, Criminal Term, who has been on that bench since 2009. This office routinely prosecutes cases in front of Justice Merchan, thus, hundreds—if not thousands—of case files necessarily will contain his name on records in those

files. FOIL requires that the records sought be “reasonably described” by the requestor. POL §89(3)(a); *M. Farbman & Sons, Inc. v NYC HHC*, 62 NY2d 75 (1984); *Matter of Urban Justice Center v NYPD*, 2010 NY Slip Op 32400(U)(Sup Ct NY Co 2010); see also *Asian American Legal Defense Fund v NYPD*, 41 Misc 3d 471 (NY Sup Ct 2013), affirmed 125 AD3d 531 (1st Dept 2015); *Matter of Pflaum v Grattan*, 116 AD3d 1103 (3d Dept 2014); *Bader v Bove*, 273 AD2d 466 (2d Dept 2000). Your request fails to meet this standard.

The Freedom of Information Law Appeals Officer is Robin McCabe, Chief, Civil Litigation Unit, New York County District Attorney’s Office, One Hogan Place, New York, New York 10013.

Sincerely,

A handwritten signature in black ink, appearing to read 'Madeleine Guilmain', with a long horizontal flourish extending to the right.

Madeleine Guilmain  
Assistant District Attorney  
Records Access Officer