



**U.S. Department of Justice**

Office of Legal Counsel

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*Washington, D.C. 20530*

August 3, 2018

Gabe Roth  
Executive Director  
Fix the Court  
gabe@fixthecourt.com

**Re: FOIA Tracking No. FY17-207; Fix the Court v. DOJ, D.D.C. No. 18-cv-1620**

Dear Mr. Roth:

This letter partially responds to your May 8, 2017 Freedom of Information Act (“FOIA”) request to the Office of Legal Counsel (“OLC”) seeking, as narrowed, “[a]ll correspondence sent by the Assistant Attorney General in charge of the Office of Legal Counsel and his or her primary deputy to Brett M. Kavanaugh and all correspondence sent by Brett M. Kavanaugh to the Assistant Attorney General in charge of the Office of Legal Counsel and his or her primary deputy from January 20, 2001, to May 30, 2006,” including carbon copied communications. As you know, the request is also the subject of the above-captioned litigation.

As of this date, we have processed 404 pages of responsive records. We have enclosed 230 pages with redactions and withheld the remaining 174 pages in full. Our redactions are based on FOIA Exemption Five, 5 U.S.C. § 552(b)(5), or FOIA Exemption Six, 5 U.S.C. § 552(b)(6). The full withholdings are based on Exemption Five. For your information, Exemption Five exempts material protected by the attorney-client, deliberative process, and presidential communications privileges, as well as the attorney work product doctrine and other privileges. Exemption Six exempts material the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. We have determined that none of the withheld material is appropriate for discretionary release. We are continuing to process responsive records.

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(c). 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.

Your counsel may contact Danielle Wolfson Young of the Civil Division, Federal Programs Branch, at 202-616-2035 or at [danielle.young2@usdoj.gov](mailto:danielle.young2@usdoj.gov), 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; or facsimile at 202-741-5769.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 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,



Paul P. Colborn  
Special Counsel

Enclosures

cc: Danielle Wolfson Young, Trial Attorney  
Civil Division, Federal Programs Branch

Elizabeth France, Counsel  
American Oversight