

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

VIVEK 2024  
4000 Horizons Drive  
Columbus, OH 43220

Plaintiff,

v.

DEPARTMENT OF JUSTICE,  
441 G St NW, 6th Floor  
Washington, DC 20530

Defendant.

Civil Action

No. \_\_\_\_\_

**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Vivek 2024 (the “Campaign” or “Plaintiff”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, challenging the failure of Defendant, the Department of Justice (“DOJ” or “Defendant”)<sup>1</sup>, to respond to and fulfill the Campaign’s FOIA request for records.

2. The Campaign submitted a FOIA request to DOJ on June 12, 2023.

3. The Campaign’s FOIA request seeks documents and records in DOJ’s possession related to the decision to bring a federal criminal indictment against former President Donald J. Trump on June 8, 2023. Ex. 1.

4. The Campaign accordingly brings this suit to compel DOJ to immediately respond to the Campaign’s FOIA request and promptly disclose all responsive, non-exempt records.

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<sup>1</sup> All references to “DOJ” in the instant Complaint include its components the Criminal Division (“CRM”) and the Office of the Inspector General (“OIG”), unless otherwise stated.

## **PARTIES**

5. The Campaign was launched on February 21, 2023 by Vivek Ramasamy—a Presidential Candidate in the 2024 Republican Presidential Primary Election.

6. The Campaign is located at 4000 Horizons Drive, Columbus, OH 43220, United States.

7. The Campaign is a person within the meaning of FOIA. *See* 5 U.S.C.S. § 551 (“‘[P]erson’ includes an individual, partnership, corporation, association, or public or private organization other than an agency.”).

8. Defendant DOJ is a federal agency within the meaning of FOIA. *See* 5 U.S.C. § 552(f)(1) (“‘[A]gency’ as defined in section 551(1) of this title [5 U.S.C. § 551(1)] includes any executive department . . . or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.”).

## **LEGAL STANDARD**

9. FOIA requires a federal administrative agency to promptly make available requested, non-exempt agency records in response to a request that (a) reasonably describes such records, and (b) “is made in accordance with published rules stating the time, place, fees, . . . and procedures to be followed.” 5 U.S.C. § 552(a)(3)(A); *see also* 28 C.F.R. § 16.1 *et seq.*

10. FOIA requires federal agencies to respond to a valid request within 20 working days (exempting Saturdays, Sundays, and legal public holidays) after receipt of such request, including notifying the requestor immediately of its determination, the reasons therefore, and the right to appeal any adverse determination. 5 U.S.C. § 552(a)(6)(A)(i).

11. This 20-day time limit may not be tolled by the agency, except (a) that the agency may make one request of the requester for additional information regarding the specifics of the

request and toll the 20-day period while it is waiting for that information; or (b) if it is necessary to clarify with the requester issues regarding fee assessment. 5 U.S.C. § 552(a)(6)(A)(ii). In either case, the agency's receipt of the requester's response ends the tolling period. *Id.*

12. In "unusual circumstances," FOIA allows the 20-day time limit to be extended 10 days by written notice "setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched." 5 U.S.C. § 552(a)(6)(B)(i); *see also* 28 C.F.R. § 16.5(c).

13. If "unusual circumstances" are invoked, the agency must not only provide written notice as detailed above but must also provide the requester "an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request." 5 U.S.C. § 552(a)(6)(B)(ii); *see also* 28 C.F.R. § 16.5(c).

14. "Unusual circumstances" (as used in the context of FOIA) only occur when, to the extent reasonably necessary to the proper processing of the requester's request, the agency would need to (1) search for and collect records from another facility separate from the office processing the request; (2) search for, collect, and properly examine a voluminous amount of records demanded in a single request; or (3) consult with another agency to satisfy the request. *See* 5 U.S.C. § 552 (a)(6)(B)(iii).

15. If the federal agency does not respond to a FOIA request by the statutory deadline, the requester is deemed to have exhausted administrative remedies and may immediately pursue judicial review. 5 U.S.C. § 552(a)(6)(C)(i).

### **JURISDICTION AND VENUE**

16. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

17. Venue lies with this district under 28 U.S.C. § 1391(e)(1) because an agency of the United States is a Defendant.

### FACTS

18. In early 2022, DOJ opened an investigation into former President Trump's alleged retention of classified documents after his presidency had ended. In August 2022, the FBI searched Mar-a-Lago, which is owned by Donald Trump, and seized 102 purportedly classified documents.

19. In November 2022, Jack Smith was appointed as Special Counsel, leading the investigation into former President Trump's retention of classified documents. A federal grand jury in Washington, D.C. reviewed evidence and heard testimony in the matter. Special Counsel Smith's team then sought an indictment from a grand jury in Florida.

20. On June 8, 2023, former President Trump was indicted and, one day later, that indictment was unsealed, revealing that former President Trump was charged with 37 felonies, including alleged violations of the Espionage Act.

21. On August 1, 2023, former President Trump was again indicted, this time related to alleged crimes related to January 6.

22. On June 12, 2023, the Campaign submitted a FOIA request (the "FOIA Request") to DOJ, Ex. 1, and directed the request via DOJ's online FOIA portal to the Office of the Attorney General, Ex. 2. The FOIA Request sought, *inter alia*, any record or documents that:

- a. Memorialized, discussed, or described plans or considerations by the Department of Justice or any other federal government agency for bringing an indictment against President Donald J. Trump, including records by or between officers or employees of the federal government;

b. Memorialized, discussed, or described, to or with any non-government third party, the Department of Justice's plans or considerations for bringing an indictment against President Donald J. Trump, including those by or between any non-government third party such as officers, employees, or agents of Arabella Advisors or its clients, including:

- i. the New Venture Fund,
- ii. the Sixteen Thirty Fund,
- iii. the Windward Fund,
- iv. the Hopewell Fund,
- v. projects housed in any of those entities,
- vi. any political party or political committee or agent thereof, and
- vii. Biden for President;

c. Memorialized, discussed, or described any directive or encouragement, by any officer or employee of a federal government agency, to bring an indictment against President Donald J. Trump;

d. Memorialized, discussed, or described any directive or encouragement, by any non-government third party, to bring an indictment against President Donald J. Trump; or

e. Are preparatory materials for meetings provided to any officer or employee of the Executive Office of the President regarding a possible indictment against President Donald J. Trump.

Ex. 1.

23. The Campaign requested the above records within the timeframe of January 20, 2021, through the date that DOJ produces the records.

24. On June 27, 2023, DOJ acknowledged via email that it had received the Campaign's request, Ex. 3, and in an attached June 27, 2023 letter ("June Response Letter") acknowledged that the Campaign's request was received by DOJ on June 12, 2023, Ex. 4. The agency also provided the following case number in the heading of the June Response Letter: FOIA-2023-01399. *Id.*

25. The June Response Letter also indicated that because the FOIA Request "require[s] a search in and/or consultation with another Office," it "falls within 'unusual circumstances.'" *Id.* at 1 (citing 5 U.S.C. 552 § (a)(6)(B)(i)-(iii)). The June Response Letter indicated that because of these circumstances the agency was "extend[ing] the time limit to respond to [the Campaign's] request beyond the ten additional days provided by the statute." *Id.*

26. The June Response Letter also indicated that because the Campaign is also seeking records in the possession of DOJ's Criminal Division ("CRM"), the Federal Bureau of Investigation ("FBI"), and the Office of the Inspector General ("OIG"), DOJ has separately forwarded the FOIA Request to those Department components for processing and direct response to the Campaign. *Id.* To date, the Campaign has not been notified what date CRM, FBI, or OIG received the forwarded request.

27. On July 10, 2023, the FBI sent a letter to the Campaign acknowledging that the portion of the FOIA Request DOJ had forwarded to FBI had been received at FBI Headquarters for processing, though it did not indicate the date that it first received the request. *See* Ex. 5.

28. On July 13, 2023, the FBI sent a letter to the Campaign indicating that the portion of the Campaign's FOIA request that had been forwarded to the FBI was being closed for being "overly broad" and "not provid[ing] enough detail to enable FBI personnel to locate records 'with

a reasonable amount of effort.” *See* Ex. 6 (quoting 28 C.F.R. § 16.3(b)). The FBI indicated that the Campaign has ninety (90) days from the date of this denial to administratively appeal the FBI’s decision. *Id.* The FBI did not indicate that any of the other portions of the FOIA Request that have been directed to the Office of the Attorney General, CRM, or OIG have been closed. *See id.*

29. In the FOIA Request, the Campaign emphasized the “time-sensitive nature of this request,” and “request[ed] that [DOJ] strictly comply with the 20-day time limit established by FOIA and applicable regulations,” pursuant to 28 C.F.R. § 16.5(e) and 5 U.S.C. § 552(a)(6)(A). *See* Ex. 1 at 3.

30. As of July 12, 2023, at the close of business hours, 20 working days (*i.e.*, exempting Saturdays, Sundays, and legal public holidays) had passed since DOJ received the Campaign’s FOIA Request. *See* 5 U.S.C. § 552(a)(6)(A)(i).

31. Additionally, as of July 26, 2023, at the close of business hours, 30 working days had passed since DOJ received the Campaign’s FOIA Request. *See* 5 U.S.C. § 552(a)(6)(B)(i).

32. To date DOJ has not made or communicated its determination in response to the Campaign’s FOIA Request, nor provided any responsive materials, nor explained that responsive materials have been or will be withheld.

**FIRST CLAIM FOR RELIEF**  
**(Failure to Comply with Statutory Deadlines in Violation of FOIA)**

33. Plaintiff repeats, re-alleges, and reincorporates the allegations in paragraphs 1–32 as though fully set forth herein.

34. FOIA requires that DOJ provide a final determination within 20 working days after the receipt of the Campaign’s FOIA request. 5 U.S.C. § 552(a)(6)(A). This 20-day time limit may be extended an additional 10 working days in the event of “unusual circumstances.” 5 U.S.C. § 552(a)(6)(B)(i); *see also* 28 C.F.R. § 16.5(c).

35. More than 30 working days have passed since the Campaign's FOIA request was received and logged by DOJ. *See* Ex. 4.

36. Additionally, FOIA provides that the 20-day period "shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency that is designated in the agency's regulations under this section to receive requests under this section." 5 U.S.C. § 552(a)(6)(ii).

37. To date, CRM and OIG have not confirmed receipt of the FOIA Request that was forwarded to them. Accordingly, FOIA's 20-day period for the portions of the request that were forwarded to CRM and OIG commenced ten days after the FOIA Request was first received by DOJ, *see* Ex. 4, i.e., on June 27, 2023. More than 20 working days have passed since June 27, 2023.

38. To date, DOJ, including its components CRM and OIG, has not provided a final determination in response to the Campaign's FOIA Request, nor has it communicated when the Campaign can expect its request to be processed.

39. The DOJ (including its components CRM and OIG)<sup>2</sup> has failed to make a timely determination in response to the Campaign's FOIA Request, in violation of FOIA. *See* 5 U.S.C. § 552(a)(6).

40. All administrative remedies required by FOIA have therefore been constructively exhausted. *See* 5 U.S.C. § 552(a)(6)(C)(i).

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<sup>2</sup> Because the FBI has closed the portion of the FOIA Request that was forwarded to it by DOJ, *see* Ex. 6, the Campaign does not include an allegation that the FBI failed to comply with FOIA's statutory deadlines in the instant Complaint.



**SECOND CLAIM FOR RELIEF**  
**(Unlawful Withholding of Agency Records in Violation of FOIA)**

41. The allegations in paragraphs 1–32 are expressly incorporated herein as if restated in full.

42. FOIA requires DOJ to process records requests and promptly provide the requested records or the reasonably segregable portion of records not subject to a FOIA exemption. 5 U.S.C. § 552(a)(3)(A).

43. To date, DOJ (including its components CRM and OIG)<sup>3</sup> has neither provided nor made available any responsive documents in response to the Campaign’s FOIA Request, nor has the DOJ claimed that any responsive records are exempt from disclosure.

44. Therefore, DOJ’s failure to promptly produce requested records or claim applicable exemptions violates FOIA. 5 U.S.C. § 552(a)(3)(A).

**PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court:

A. Declare that DOJ (including its components CRM and OIG) failed to make and communicate a timely determination regarding the Campaign’s FOIA Request, in violation of FOIA, 5 U.S.C. §§ 552(a)(6)(A)(i), 28 U.S.C. § 2201;

B. Declare that DOJ failed to promptly provide records responsive to the Campaign’s FOIA Request, in violation of FOIA, 5 U.S.C. § 552(a)(3), 28 U.S.C. § 2201;

C. Order DOJ to immediately conduct a reasonable search for all responsive records and demonstrate that it employed search methods reasonably calculated to uncover all records responsive to the FOIA Request as required by FOIA, 5 U.S.C. § 552(a)(3)(C);

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<sup>3</sup> Because the FBI has closed the portion of the FOIA Request that was forwarded to it by DOJ, *see* Ex. 6, the Campaign does not bring this allegation against the FBI in the instant Complaint.

D. Order DOJ to immediately provide a determination regarding the Campaign's FOIA Request as required by FOIA, 5 U.S.C. § 552(a)(6)(A)(i), and produce a *Vaughn* index of any responsive records withheld under claim of exemption, *see Judicial Watch, Inc. v. FDA*, 449 F.3d 141, 145–46 (D.C. Cir. 2006);

E. Order DOJ to promptly make available to the Campaign all responsive, non-exempt records, as required by FOIA, 5 U.S.C. § 552(a)(3);

F. Maintain jurisdiction over this action to ensure that DOJ produces all non-exempt responsive records to the Campaign, and that any non-exempt portions of responsive records are not improperly withheld;

G. Award reasonable attorneys' fees and allowable costs, including under 5 U.S.C. § 552(a)(4)(E); and

H. Grant the Campaign such other and further relief to which it is justly entitled at law and in equity.

Dated: August 1, 2023

Respectfully submitted,

/s/ Phillip M. Gordon  
Phillip M. Gordon (D.C. Bar No. 1531277)  
**HOLTZMAN VOGEL BARAN**  
**TORCHINSKY & JOSEFIK, PLLC**  
15405 John Marshall Highway  
Haymarket, VA 20169  
Phone: (540) 341-8808  
Fax: (540) 341-8809  
pgordon@holtzmanvogel.com

Stephen P. Roberts (D.C. Bar No. 989338)  
2300 N Street, NW, Suite 643A  
Washington, DC 20037

sroberts@holtzmanvogel.com

Brennan Bowen (AZ Bar No. 36639)\*  
2575 East Camelback Rd, Ste 860  
Phoenix, AZ 85016  
Phone: (602) 388-1262  
bbowen@holtzmanvogel.com

*Counsel for Plaintiff*

\**Pro Hac Vice* motion forthcoming

# **EXHIBIT 1**



June 12, 2023

**ONLINE SUBMISSION ONLY**

Douglas Hibbard  
Chief, Initial Request Staff  
Office of Information Policy  
Department of Justice  
6th Floor  
441 G St NW  
Washington, DC 20530  
Phone: (202) 514-FOIA

**Re: Freedom of Information Act Request**

Dear Freedom of Information Officer:

The Department of Justice's recent indictment of President Donald J. Trump raises grave concerns that DOJ is being politicized and weaponized against the political opponents of the sitting President of the United States. The existence, timing, and content of the indictment all necessitate both this request and, one would hope, a completely open and forthright response. In that spirit, this letter is submitted on behalf of Vivek Ramaswamy for President to obtain access to any records within the possession of the United States Department of Justice concerning the decision to bring a criminal indictment against President Donald J. Trump. I submit this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and 28 C.F.R. § 16 *et seq.* I request that a copy of the records detailed below be provided. I do not wish to inspect the records first.

The purpose of this request is to obtain access to any records within the possession of the United States Department of Justice, including electronic communications exchanged by Department of Justice officers or employees with each other, or with non-government third-parties, concerning the decision to bring a criminal indictment against President Donald J. Trump.

Specifically, I request all Records<sup>1</sup> in the possession of the Department of Justice, including but not limited to, the following components of the Department of Justice: the Special Counsel's

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<sup>1</sup> "Records" is to be given the meaning as defined in 5 U.S.C. § 552(f)(2).

Office; the Office of the Attorney General; the Office of the Deputy Attorney General; the Office of the Associate Attorney General; the Criminal Division, the Office of the Inspector General; and the Federal Bureau of Investigation.

Please search for and provide to us, within twenty (20) business days, any records or documents that:

- Memorialized, discussed, or described plans or considerations by the Department of Justice or any other federal government agency for bringing an indictment against President Donald J. Trump. Responsive records or documents should include those by or between officers or employees of the federal government;
- Memorialized, discussed, or described, to or with any non-government third party, the Department of Justice's plans or considerations for bringing an indictment against President Donald J. Trump. Responsive records or documents should include those by or between any non-government third party, including (but not limited to) officers, employees, or agents of Arabella Advisors or its clients, including the New Venture Fund, Sixteen Thirty Fund, Windward Fund, Hopewell Fund, projects housed in any of those entities, any political party or political committee or agent thereof, and Biden for President;
- Memorialized, discussed, or described any directive or encouragement, by any officer or employee of a federal government agency, to bring an indictment against President Donald J. Trump;
- Memorialized, discussed, or described any directive or encouragement, by any non-government third party, to bring an indictment against President Donald J. Trump; or
- Are preparatory materials for meetings provided to any officer or employee of the Executive Office of the President regarding a possible indictment against President Donald J. Trump.

This request should be processed consistent with the presumption of openness as outlined in the Attorney General's March 15, 2022 letter to the heads of all executive departments and agencies.<sup>2</sup>

Please include any relevant records dated from January 20, 2021 through the date the Records are produced.

### Costs

Please provide an estimate of the costs for the non-incident retrieval and/or supervisory services. If necessary, I am prepared to advance the cost of complying with this request.

### Processing of the Request

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<sup>2</sup> See Dep't of Justice Office of Information Policy, *Memorandum from The Attorney General*, March 15, 2022, available at <https://www.justice.gov/ag/page/file/1483516/download>.

Upon receipt of this request, it is requested that you take all reasonable steps to preserve relevant public records while the request is pending.

Please search for all records regardless of format. I ask that responsive electronic records be produced in their native format, including with all metadata, if possible. If production in native format is not possible, I request that the documents be provided in a format most conducive to an expedited production.

If this request is denied in whole or in part, please provide the reasons for the denial pursuant to 5 U.S.C. § 552(a)(6)(A)(i).

Should you wish to claim that a responsive record or portion of a record to be exempt from production, I request that you provide a *Vaughn* index of those documents. *See Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). The *Vaughn* index must describe each document with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). The *Vaughn* index must also “describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987).

In any event, I request that you provide a reasonably segregable portion of the remaining materials after any permissible redactions, pursuant to 5 U.S.C. § 552(b). I reserve the right to appeal any failure by the Department to timely respond to this request, or to your determination to withhold any responsive information.

For records available in electronic format, please send the documents to foia@vivek2024.com. Please send all other documents to the attention of:

**Steve Roberts, Counsel**  
**4000 Horizons Drive**  
**Columbus, OH 43220**  
**Phone: (202) 737-8808**

*Time Sensitive Request and Production*

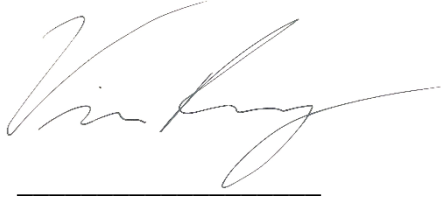
Because of the time-sensitive nature of this request, I request that you strictly comply with the 20-day time limit established by FOIA and applicable regulations. *See* 5 U.S.C. § 552(a)(6)(A); 28 C.F.R. § 16.5(c). Please be advised that once this 20-day period has expired, you are deemed to have constructively denied this request, and I will consider the internal appeals process to be constructively exhausted. *See Citizens for Ethics and Responsibility in Government v. Fed. Election Comm’n*, 711 F.3d 180 (D.C. Cir. 2013).

I also request that all responsive documents be made available via a rolling production.

I look forward to your prompt response.

Sincerely,

DATED: June 12, 2023


A handwritten signature in black ink, appearing to read "Vivek Ramaswamy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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Vivek Ramaswamy  
Vivek 2024



## **EXHIBIT 2**

 An official website of the United States government  
[Here's how you know.](#)



# FOIA.gov



UNITED STATES DEPARTMENT *of* JUSTICE

MENU

**Thank you for visiting FOIA.gov, the government's central website for FOIA.** We'll continue to make improvements to the site and look forward to your input. Please submit feedback to [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov).

**Submission ID:** 748141

# Success!

**Your FOIA request has been created and is being sent to the Office of the Attorney General.**

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

## Contact the agency

FOIA Requester Service Center

202-514-3642

Valeree Villanueva, FOIA Public Liaison

202-514-3642

Douglas Hibbard, Chief, Initial Request Staff, 6th Floor

441 G St, NW

Washington, DC 20530-0001

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## Request summary

Request submitted on **June 12, 2023**.

The confirmation ID for your request is **748141**.

The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

## Contact information

### Name

Steve Roberts

### Mailing address

4000 Horizons Drive  
Columbus, OH 43220  
United States

### Phone number

(202) 737-8808

### Email

foia@vivek2024.com

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## Your request

See attached request.

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## Additional information

06122023\_Vivek\_Justice FOIA Request\_Signed\_v12[85].pdf

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## Fees

What type of requester are you?

other

Fee waiver

no

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## Request expedited processing

Expedited processing

no



# FOIA.gov

## CONTACT

Office of Information Policy (OIP)  
U.S. Department of Justice  
441 G St, NW, 6th Floor  
Washington, DC 20530  
E-mail: [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov)

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## **EXHIBIT 3**

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**From:** OIP-NoReply <[OIP-NoReply@usdoj.gov](mailto:OIP-NoReply@usdoj.gov)>  
**Sent:** Tuesday, June 27, 2023 2:11 PM  
**To:** [foia@vivek2024.com](mailto:foia@vivek2024.com)  
**Subject:** Your FOIA Request FOIA-2023-01399  
**Attachments:** 02 Acknowledgement Letter (6.27.23).pdf

You don't often get email from [oip-noreply@usdoj.gov](mailto:oip-noreply@usdoj.gov). [Learn why this is important](#)

Attached is correspondence from the Department of Justice's Office of Information Policy, which is associated with the above-referenced Freedom of Information Act (FOIA) request.

**Please do not reply to this e-mail, as this account is not monitored.**

Thank you,

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

202-514-3642 (Main Line)  
202-514-1009 (Fax)

# **EXHIBIT 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

June 27, 2023

Steve Roberts  
4000 Horizons Drive  
Columbus, OH 43220  
[foia@vivek2024.com](mailto:foia@vivek2024.com)

Re: FOIA-2023-01399

Dear Steve Roberts:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on June 12, 2023 in which you requested records concerning the decision to indict former President Donald Trump 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.

For your information, the Department has a decentralized system for processing FOIA requests and each component of the Department maintains its own records. As such, FOIA requesters need to direct their requests to the Department component(s) they believe have records pertaining to the subjects of their requests. Insomuch as you are also seeking records from the Criminal Division (CRM), the Federal Bureau of Investigation (FBI) and the Office of the Inspector General (OIG), we have forwarded your request to those Department components for processing and direct response to you. Contact information for CRM, FBI, and OIG can be found on [www.foia.gov](http://www.foia.gov).

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

-2-

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

## **EXHIBIT 5**



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

July 10, 2023

MR. STEVE ROBERTS  
4000 HORIZONS DRIVE  
COLUMBUS, OH 43220

FOIPA Request No.: 1597207-000  
Subject: Donald J. Trump Indictment  
(On or After January 20, 2021)

Dear Mr. Roberts:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
- Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
- Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
  - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

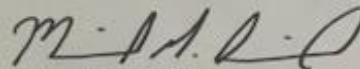
Please check the status of your FOIPA request at [www.vault.fbi.gov](http://www.vault.fbi.gov) by clicking on "Check Status of your FOIPA Request." Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed, the notice will indicate that appropriate correspondence has been mailed to the address on file.

Additional information about the FOIPA can be found at [www.fbi.gov/foia](http://www.fbi.gov/foia). Should you have questions regarding your request, please feel free to contact [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, 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 transmitted within ninety (90) days of the date of this 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." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, 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.

Sincerely,



Michael G. Seidel  
Section Chief  
Record/Information Dissemination Section  
Information Management Division

# **EXHIBIT 6**





U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

July 13, 2023

MR. STEVE ROBERTS  
4000 HORIZONS DRIVE  
COLUMBUS, OH 43220

FOIPA Request No.: 1597207-000  
Subject: Donald J. Trump Indictment  
(On or After January 20, 2021)

Dear Mr. Roberts:

This is in response to your Freedom of Information Privacy Acts (FOIPA) request. Your request is overly broad and it does not comport with the requirements of 28 CFR § 16.3(b), as it does not provide enough detail to enable personnel to locate records "with a reasonable amount of effort." Therefore, your request is being closed.

For questions on how to reasonably describe your request, please email us at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). You may also visit [www.fbi.gov](http://www.fbi.gov) and select "Services," "Information Management," and "Freedom of Information/Privacy Act" for additional guidance.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, 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 transmitted within ninety (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." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

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Sincerely

Michael G. Seidel  
Section Chief  
Record/Information  
Dissemination Section  
Information Management Division