

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEOFFREY NELS FIEGER,

Plaintiff,

Civil No. 2:08-14125

v.

Hon. David M. Lawson

FEDERAL ELECTION COMMISSION,

Defendant.

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56(c), LR 7.1 and this Court’s July 2, 2009 Order, Doc. No. 36, defendant Federal Election Commission respectfully moves for summary judgment. In support of this motion, defendant submits the attached brief and exhibits, including the Declaration of the Commission’s Chief Freedom of Information Act Officer, Lawrence Calvert, and an index of records pursuant to *Vaughn v. Rosen*, 523 F.2d 1136 (D.C. Cir. 1975) (hereafter referred to as a “*Vaughn* index”), describing the information withheld under one or more applicable exemptions of the Freedom of Information Act, 5 U.S.C. § 552.

Pursuant to LR 7.1(a), defendant has not obtained plaintiff’s concurrence with this motion.

Dated: August 21, 2009

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BRIEF IN SUPPORT OF DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

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I. ISSUES PRESENTED

- (A) Whether plaintiff has standing to maintain this Freedom of Information Act (“FOIA”) action.
- (B) Whether the Federal Election Commission (“FEC”) performed an adequate search for records responsive to the requests for information under the FOIA.
- (C) Whether the FEC’s response to the requests for information renders the case moot.
- (D) Whether the FEC properly withheld records under one or more applicable exemptions under the FOIA.

II. PRELIMINARY STATEMENT

Under the Freedom of Information Act (“FOIA”), “an agency must disclose all records requested by ‘any person,’ 5 U.S.C. § 552(a)(3), unless the information sought falls within a specific statutory exemption.” *Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 874 (D.C. Cir. 1989) (citing 5 U.S.C. § 552(d)). Plaintiff Geoffrey Nels Fieger seeks a right of access to information in the custody and control of defendant Federal Election Commission (“FEC”) based on FOIA requests made on July 3 and October 27, 2008 by Michael Dezsi, Esq., an attorney at the law firm of Fieger, Fieger, Kenney, Johnson & Giroux, P.C. (the “Fieger firm”). In his July 3 and October 27 requests, Mr. Dezsi sought records exchanged since January 2001 between the FEC and: (i) “the Department of Justice relating to possible violations of the Federal Election Campaign Act by [the Fieger firm], including . . . children and spouses [of the Fieger firm];” (ii) “the White House . . . relating in anyway to enforcement of federal criminal statutes;” and (iii) “the Executive Office of the President.” Exs. A & B. Plaintiff alleges that the FEC “failed to [timely] provide” the records requested by Mr. Dezsi and that he “has a right of access to the requested information under [the FOIA].” Doc. No. 26 (Amend. Compl.) ¶¶ 8, 9. *See also id.* ¶¶ 14, 15 (same).

This Court does not have subject matter over plaintiff’s claims because plaintiff lacks standing to seek judicial review of FOIA requests made by his attorney that failed to identify plaintiff as the attorney’s client. It is well settled that “a person whose name does not appear on a request for records has not made a formal request within the meaning of the statute. Such a person, regardless of his or her personal interest in disclosure of the requested documents, has no right to receive . . . the documents.” *McDonnell v. U.S.*, 4 F.3d 1227, 1236-37 (3rd Cir. 1993).

Even if the Court determines that it has subject matter jurisdiction, it should still grant the FEC's motion for summary judgment. The FEC has shown that it made "a good-faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested," *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995) (citation and quotation marks omitted), and has disclosed all non-exempt portions of records responsive to the FOIA requests, which is all that is required under the FOIA.

Having established the adequacy of the FEC's search and that the agency disclosed all non-exempt portions of the records responsive to the FOIA requests, this case is moot. Plaintiff has alleged only that the FEC has "failed to provide" the requester records and that he "has a right of access" to them. Doc. No. 26 ¶¶ 8, 9, 14, 15. But plaintiff has not challenged any of the agency's withholding determinations. *See id. passim*. It is well settled that when a plaintiff challenges only the agency's failure to respond and the agency then provides responsive information, the case becomes moot and brings the Court's jurisdiction to an end. *Voinche v. FBI*, 999 F.2d 962, 963 (5th Cir. 1993); *Tijerina v. Walters*, 821 F.2d 789, 799 (D.C. Cir. 1987).

However, if this Court were to review the agencies withholding determinations, it would find, on review of the agency's declaration and index of withheld records, that the FEC properly withheld certain responsive information under one or more applicable exemptions under the FOIA, including, as addressed below, Exemptions 2, 3, 5, 6, 7(A), and 7(C).

III. BACKGROUND

A. "Request 56"

On July 9, 2008, the FEC's FOIA Service Center received a FOIA request from Michael R. Dezsi, Esq. *See* Decl. of Lawrence Calvert ("Calvert Decl.") ¶ 6 [Attached as Ex G]. Mr.

Dezsi is an attorney at the law firm of Fieger, Fieger, Kenney, Johnson & Giroux, P.C. (the “Fieger Firm”). Mr. Dezsi is also plaintiff’s counsel in this matter. The request was numerically designated as FOIA Request 2008-56. *Id.* (hereafter referred to as “Request 56”).

Request 56 sought records exchanged since January 2001 between the FEC and: (i) “the Department of Justice relating to possible violations of the Federal Election Campaign Act by [the Fieger firm], including . . . children and spouses [of the Fieger firm]” (hereafter “Request 56-1”); and (ii) “the White House . . . relating in anyway to enforcement of federal criminal statutes” (hereafter “Request 56-2”). Ex. A.

The FEC conducted a comprehensive search for responsive records. Calvert Decl. ¶¶ 9-10, 12, 20. The FEC determined that it had no records responsive to Request 56-2. *Id.* ¶ 13. The Commission released its final agency decision, along with all non-exempt portions of responsive FEC records responsive to Request 56-1 to Mr. Dezsi on September 30, 2008. *Id.* ¶ 18. On November 19, 2008, the Department of Justice released all non-exempt portions of responsive FEC records that had been referred to the Department for consultation. *Id.* ¶ 19.

Request 56 was not Mr. Dezsi’s only attempt to obtain this information. Plaintiff’s counsel is also counsel of record in *Beam v. Mukasey, et al.*, No. 07-1227 (N.D. Ill.). On November 4, 2008, the *Beam* plaintiffs served a document request on the FEC seeking almost the identical documents plaintiff seeks in Request 56. *See Beam* Doc. No. 130-3 [Attached hereto as Ex. C]. For the convenience of the Court, the *Beam* plaintiffs’ document request is compared with Request 56:

Beam Doc. Req: # 2:

[A]ny and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, between officials, agents, and/or employees of the FEC and officials, agents, and/or employees of the DOJ relating to possible violations of the Federal Election Campaign Act by the [Fieger firm], including its partners, employees, contractors, associates, and their children and spouses.

Beam Doc. Req. 5:

[A]ny and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, between (to/from) FEC officials, employees or agents including former FEC Chairman Michael E. Toner and White House officials, employees or agents including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President, relating in any way to the Federal Election Campaign Act.

Request 56-1:

Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between officials, agents and/or employees of the FEC and officials, agents and/or employees of the Department of Justice relating to possible violations of the Federal Election Campaign Act by the [Fieger firm], including its partners, employees, contractors, associates, and their children and spouses.

Request 56-2:

Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, relating in any way to enforcement of federal criminal statutes, including, but not limited to, the Federal Election Campaign Act.

On March 2, 2009, the *Beam* plaintiffs filed a motion to compel production of about 100 pages of responsive FEC documents identified in an FEC privilege log. On July 7, 2009, after reviewing all contested documents *in camera*, “[t]he court sustain[ed] the FEC’s ‘attorney work product’ and ‘law enforcement privilege’ objection to production of the documents.” *Beam*, Doc. No. 141 [Attached as Ex. D].

B. “Request 06”

The FEC’s FOIA Service Center received a second FOIA request from Mr. Dezsi on

November 3, 2008. Calvert Decl. ¶ 21. The request was numerically designated as FOIA Request 2009-06. *Id.* (hereafter “Request 06”). Request 06 sought records exchanged since “January 2001 . . . between . . . the FEC . . . the Executive Office of the President.” Ex. B. Because there was no subject matter limitation on this request, the FOIA Service Center interpreted Request 56 as seeking *all* communications between the FEC and the Executive Office of the President (“EOP”). Calvert Decl. ¶ 22. However, to clarify the scope of Request 06, the Service Center sent Mr. Dezsi an email on November 7, 2008, to determine whether the request in fact sought all communications between the FEC and all offices in the EOP. *Id.* ¶ 24. At that time, Mr. Dezsi clarified that his request sought FEC records exchanged with all EOP offices except for the Office of Management and Budget (“OMB”). *Id.*

The FEC conducted a comprehensive search for records responsive to Request 06. Calvert Decl. ¶¶ 25-26. The FEC sent Mr. Dezsi an initial batch of responsive records on December 3, 2008. *Id.* ¶ 33. At the time, the FEC also advised Mr. Dezsi that it was engaging in consultation with the White House over White House portions of potentially responsive records. *Id.* The FEC provided additional, non-exempt portions of records responsive to Request 06 on December 17 and December 31, 2008. *Id.* In addition, after consulting with the Department of Justice and the Office of Management and Budget, the FEC released an additional responsive record on April 1, 2009. *Id.* ¶ 34. The FEC turned over additional responsive records on April 29, 2009. *Id.* ¶ 35. After completing its consultation with the White House about the portion of responsive records generated by White House personnel, the Commission provided all non-exempt portions of all remaining records responsive to Request 06 on June 11 and 12, 2009. *Id.* ¶ 36.

C. Plaintiff's Complaint, as Amended

Plaintiff filed a Complaint in this Court on September 25, 2008. Doc. No. 1. Plaintiff alleged that the FEC failed to provide records responsive to his first FOIA request (Request 56). *Id.* ¶ 6. Plaintiff filed an Amended Complaint on February 19, 2009, additionally alleging that the Commission failed to provide records responsive to his second FOIA request (Request 06). Doc. No. 26, ¶ 15. Plaintiff's Amended Complaint challenges neither the adequacy of the FEC's search nor the applicability of the FOIA exemptions the FEC has invoked. Doc. No. 26 *passim*. Rather, plaintiff alleges only "a right of access to the requested information under 5 U.S.C. § 552" with respect to both Request 56 and Request 06. *Id.* ¶¶ 9, 15.

IV. STANDARD OF REVIEW

FOIA cases are typically and appropriately decided on motions for summary judgment. *Harrison v. Exec. Ofc. of U.S. Attys.*, 377 F. Supp. 2d 141, 145 (D.D.C. 2005). Under FOIA, a court conducts a *de novo* review to determine whether the government properly withheld records under any of the FOIA's nine statutory exemptions. 5 U.S.C. § 552(a)(4)(B). In a FOIA case, the Court may award summary judgment solely on the basis of information provided by the agency in declarations when the declarations describe "the documents and the justifications for nondisclosure with reasonably specific detail, demonstrate that the information withheld logically falls within the claimed exemption, and are not controverted by either contrary evidence in the record nor by evidence of agency bad faith." *Military Audit Project v. Casey*, 656 F.2d 724, 738 (D.C. Cir. 1981). Agency declarations must be "relatively detailed and non-conclusory . . ." *SafeCard Servs. v. SEC*, 926 F.2d 1197, 1200 (D.C. Cir. 1991). Such declarations are accorded "a presumption of good faith, which cannot be rebutted by 'purely speculative claims about the

existence and discoverability of other documents.” *Id.* (internal citation and quotation omitted).

V. ARGUMENT

A. Plaintiff Lacks Standing to Obtain Records Sought by Requests 56 and 06

The FOIA provides that any person has a judicially enforceable right of access to federal agency records, except to the extent that such records are protected from disclosure by one of nine exemptions. *See* 5 U.S.C. § 552. Upon receipt of a request for records from “any person,” the agency must determine within twenty days whether it will comply with the request “and shall immediately notify the person making such request of such determination and the reasons therefor.” *Id.* § 552(a)(6)(A)(i). After such time has expired, that person may bring suit to compel production of improperly withheld records. *Id.* § 552(a)(4)(B).

However, it is well settled that “a person whose name does *not* appear on a request for records has not made a formal request within the meaning of the statute. Such a person, regardless of his or her personal interest in disclosure of the requested documents, has no right to receive . . . the documents.” *McDonnell v. U.S.*, 4 F.3d 1227, 1236-37 (3rd Cir.1993) (emphasis added). In particular, “an attorney must adequately identify that he is making the FOIA request for his client in order for the client to have standing to pursue a FOIA action.” *Three Forks Ranch Corp. v. The Bureau of Land Mgt.*, 358 F. Supp. 2d 1, 3 (D.D.C. 200). *See also* *MAXXAM, Inc. v. FDIC*, 1999 WL 33912624, at *2 (D.D.C. Jan. 29, 1999).

In this case, plaintiff’s attorney made Requests 56 and 06. *See* Exs. A, B. Nowhere do Requests 56 or 06 identify that they are made on behalf of plaintiff. Exs. A, B. *Cf. The Haskell Co. v. U.S. Dep’t of Justice*, 2006 WL 627156, at *2 (D.D.C. Mar. 13, 2006). “As a result, only plaintiff’s attorney ha[d] standing to bring this suit when [the FEC] failed to comply within the

statutory time limits.” *MAXXAM*, 1999 WL 33912624, at *2.

Nor can the plaintiff’s attorney, after filing the Complaint in this action, cure this jurisdictional defect by sending correspondence to defendant’s counsel of record in this action claiming that plaintiff’s attorney actually made these requests on behalf on plaintiff. *See* Ltr. from Michael Dezsi, Esq. to Greg Mueller, FEC (Nov. 19, 2008) [Attached as Ex. E]. The fact remains that plaintiff did not “administratively assert a right to receive the requested documents in the first place.” *The Haskell Co.*, 2006 WL 627156, at *2 (quotation marks omitted). “Any arrangements [plaintiff’s attorney] had with a third party are legally irrelevant for the purposes of [t]his FOIA request.” *Burka v. U.S. Dep’t of Health & Human Servs.*, 142 F.3d 1286, 1291 (D.C. Cir. 1998). Consequently, plaintiff lacks standing to bring this lawsuit.

B. The FEC’s Search for Responsive Records Was Adequate under the FOIA

Even if this Court determines that it has subject matter jurisdiction over plaintiff’s claims, this Court should hold that the FEC’s search for responsive records was adequate under the FOIA. To prevail in a FOIA action, the agency must show that it made “a good-faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.” *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995) (citation and quotation marks omitted).

It is well settled that under the FOIA, an agency’s search for responsive records “need not be perfect, [but] only *adequate*, and adequacy is measured by the reasonableness of the effort in light of the specific request.” *Meeropol v. Meese*, 790 F.2d 942, 956 (D.C. Cir. 1986) (emphasis added). An agency “is not obligated to look beyond the four corners of the request for leads to the location of responsive documents.” *Kowalczyk v. Dep’t of Justice*, 73 F.3d 386, 389 (D.C.

Cir. 1996). Rather, where, as here, a request provides no “specific information” about where to search for records responsive to the subject of the request, courts will approve an agency’s search of “files where *responsive information would likely be located.*” *Bricker v. FBI*, No. 97-2742, slip op. at 7 (D.D.C. Mar. 26, 1999) (emphasis added) [Attached as Ex. F]. *See also Knight v. NASA*, 2006 WL 3780901, at *5 (E.D. Cal. Dec. 21, 2006) (“there is no requirement that an agency search all possible sources in response to a FOIA request when it believes all responsive documents are likely to be located in [a particular] place” or places); *Murphy v. IRS*, 79 F. Supp. 2d 1180, 1185-86 (D. Haw. 1999) (holding that the agency “conducted a reasonable search in light of the fact that Plaintiff gave no indication as to what types of files could possibly contain documents responsive to this request or where they might be located.”).

Nor does an agency’s failure to locate any particular document undermine an otherwise adequate search. *Duenas Iturralde v. Comptroller of the Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003). “[I]t is long settled that the failure of an agency to turn up one specific document in its search does not alone render a search inadequate After all, particular documents may have been accidentally lost or destroyed, or a reasonable and thorough search may have missed them.” *Id.* Indeed, “it is *unreasonable* to expect even the most exhaustive search to uncover every responsive file; what is expected of a law-abiding agency is that the agency admit and correct error when error is revealed.” *W. Ctr. for Journalism v. IRS*, 116 F. Supp. 2d 1, 10 (D.D.C. 2000) (concluding that agency conducted reasonable search and acted in good faith by locating and releasing additional responsive records mistakenly omitted from its initial response), *aff’d*, 22 F. App’x 14 (D.C. Cir. 2001). In other words, even if an “initial search was inadequate,” it “does not demonstrate bad faith,” especially if the agency eventually conducts an adequate

search. *Nat'l Inst. of Military Justice v. U.S. Dep't of Defense*, 404 F. Supp. 2d 325, 333 (D.D.C. 2005).

In this case, as set out in detail in the attached Declaration of the FEC's Chief FOIA Officer, Lawrence Calvert [attached hereto as Ex. G], the FEC's search for records responsive to plaintiff's FOIA requests was more than adequate. *Meeropol*, 790 F.2d at 956. *See also Perry v. Block*, 684 F.2d 121, 127 (D.C. Cir. 1982) (declaration need not "set forth with meticulous documentation the details of an epic search for the requested records."). Neither Request 56 nor Request 06 identified any particular file systems for the FEC to search. Exs. A, B. *Cf. Bricker, supra*, slip op. at 7; *Murphy*, 79 F. Supp. 2d at 1185-86. The FEC accordingly directed its search efforts towards offices and individuals it determined were likely to have responsive records. Calvert Decl. ¶¶ 9, 12, 20, 25-26. *Cf. Pac. Fisheries, Inc. v. IRS*, 2006 WL 1635706, at *2-3 (W.D. Wash. June 1, 2006) (agency's search was adequate when agency sent search queries to people "likely to have responsive documents"). Further, the agency reasonably directed its search efforts towards file systems it determined were likely to have responsive records. Calvert Decl. ¶¶ 9, 12, 20, 25-26. *Cf. Brehm v. Dep't of Defense*, 593 F. Supp. 2d 49, 50 (D.D.C. 2009) (search was adequate where agency searched two systems likely to have responsive records). Moreover, even after the FEC completed its search, it conducted additional searches to confirm that it had located all responsive records. Calvert Decl. ¶ 20. *Cf. Iacoe v. IRS*, 1999 WL 675322, at *4 (E.D. Wis. July 23, 1999). Accordingly, the FEC's search for responsive records was adequate under the FOIA.

1. The FEC's initial failure to find records responsive to Request 56-2 does not render its search inadequate

The FEC's initial failure to find records responsive to Request 56-2, Calvert Decl. ¶ 13, does not render its search inadequate. *Duenas Iturralde*, 315 F.3d at 315. As detailed in the Chief FOIA Officer's declaration, the FEC conducted a comprehensive search for records responsive to Request 56-2. Calvert Decl. ¶¶ 9, 10, 12, 20. The fact that the agency later located and disclosed a document which this Court determined was responsive to Request 56-2, Hrg. Tr. on Mot. for Leave to Conduct Discovery, at 31:6-7 (Apr. 16, 2009) [Attached as Ex. H], does not undermine an otherwise adequate search. *W. Ctr. for Journalism*, 116 F. Supp. 2d at 10. Nor, as this Court has correctly determined, does it demonstrate bad faith. Hrg. Tr., *supra*, at 31:8-9. *Accord Nat'l Inst. of Military Justice*, 404 F. Supp. 2d at 333.

2. The FEC properly determined that certain records were not responsive

In searching for responsive records, the FEC's properly determined that potentially responsive records that only mentioned the Fieger firm in passing were, in fact, not necessarily responsive to plaintiff's FOIA requests. An "agency is under no obligation to release an entire document simply because the name of a person or organization which is the subject of the request is mentioned in the document." *Dunaway v. Webster*, 519 F. Supp. 1059, 1083 (C.D. Cal. 1981). "In fact, any other approach could work to the detriment of the person making the request, since an agency could inundate the requester with mounds of documents of dubious relevancy, . . . only making it harder to pick out the material which was truly the object of the request." *Id.*

In this case, the FEC reasonably determined that emails discussing, for example, briefing

schedules, that only mentioned the Fieger firm by name, Calvert Decl. ¶ 13, were not responsive to plaintiff's FOIA request. *Cf. Dunaway*, 519 F. Supp. at 1083. Accordingly, the FEC properly limited its search to records actually responsive to plaintiff's FOIA request, *viz*, those records as described in Requests 56 and 06 that related to possible violations of the Federal Election Campaign Act or enforcement of federal criminal statutes.

3. The FEC properly limited its search to "agency records"

The FOIA provides a requester with a limited right to "agency records." *Consumer Fed'n of Am. v. Dep't of Agriculture*, 455 F.3d 283, 287 (D.C. Cir. 2006). An "agency record" is a record that is (1) either created or obtained by an agency, and (2) under agency control at the time of the FOIA request. *U.S. Dep't of Justice v. Tax Analysts*, 492 U.S. 136, 144-45 (1989). However, an "agency record" subject to FOIA is distinguishable from a "personal record." A personal record is one that might be physically maintained by agency employees at the agency but that is *not* subject to the FOIA. To determine whether a record is an agency record or a personal record, an agency examines "the totality of the circumstances surrounding the creation, maintenance, and use" of the record. *Bureau of Nat'l Affairs, Inc. v. U.S. Dep't of Justice*, 742 F.2d 1484, 1492 (D.C. Cir. 1984). Factors relevant to this inquiry include, among others, (1) the *purpose* for which the document was created; (2) the degree of integration of the record into the agency's filing system; and (3) the extent to which the record's author or other employees *used* the record to conduct agency business. *See Consumer Fed'n of Am.*, 455 F.3d at 287-88 (considering "[record] creation, location/possession, control, and use"– the "principal factors" identified in *Bureau of Nat'l Affairs* – and deciding that "*use* [of the records] is the decisive factor." (emphasis added)). To the extent that a requester's rights under the FOIA differ from

those provided by Federal Rules of Civil or Criminal Procedure, it is important to remember that the “FOIA is not intended to be a substitute for discovery.” *Comer v. IRS*, 2000 WL 1566279, at *2 (E.D. Mich. Aug. 17, 2000). Accordingly, regardless of whether personal records may be responsive to a valid discovery request, personal records are not subject to the FOIA.

In this case, the FEC properly determined that purely personal records were not agency records subject to FOIA. *See* Calvert Decl. ¶ 28. The FOIA Service Center excluded as personal records only those documents which met *all* of the following criteria: the records did *not* contain substantive information; were created solely for the employee’s personal convenience; were *not* used for business purposes; were not disseminated to others within the Commission; and were records which the author was free to dispose of or delete at his or her personal discretion. *Id. Cf. Consumer Fed’n of Am.*, 455 F.3d at 287-88. Moreover, in the interest of the fullest possible disclosure, the Service Center did *not* exclude as a personal record any record that appeared to relate in any way, no matter how trivial, to the business of the United States Government. Calvert Decl. ¶ 28. For example, the Service Center determined that emails between former Commissioner Toner and White House personnel in which he inquired about White House tours for personal friends and acquaintances were agency records. *Id.* For a record to be excluded, the Center determined that there was no apparent relation on the face of the record to any business of the government whatsoever. *Id.* In addition, in cases where records contained both personal and governmental information, the Center treated the record as an agency record and considered at a later step in the process whether the wholly personal portion of any information contained therein was redacted. *Id.* Accordingly, the FEC’s exclusion of personal records was proper.

C. The Case is Moot Because the FEC Has Disclosed All Non-Exempt Information

Because plaintiff's Complaint, as amended, alleges only a right of access to information under the FOIA, the FEC's disclosure of information responsive to Requests 56 and 06 renders this case moot. Jurisdiction in a FOIA suit is based upon the plaintiff showing that an agency has improperly withheld agency records. *Kissinger v. Reporters Cmte. for Freedom of the Press*, 445 U.S. 136, 150 (1980). If, however, the agency establishes that responsive records have been released to the requester, the suit should be dismissed on mootness grounds as there is no justiciable case or controversy. *Voinche v. FBI*, 999 F.2d 962, 963 (5th Cir. 1993) (holding that plaintiff's "claim was rendered moot by the FBI's response to his request."). See also *Tijerina v. Walters*, 821 F.2d 789, 799 (D.C. Cir. 1987) (holding case is moot because "the agency by now has released all nonexempt materials the Tijerinas seek."). Because the FEC has provided records responsive to plaintiff's FOIA requests, Calvert Decl. ¶¶ 18, 19, 36, this case is moot.

In *Amaya-Flores v. Dep't of Homeland Sec.*, 2006 WL 3098777 (W.D. Tex. Oct. 30, 2006), the court addressed an agency's claim that because it has turned over responsive records, the case was moot. 2006 WL 3098777, at *2. The court held that because the plaintiff's "allegations relate[d] only to a delay in obtaining a FOIA response and not the improper withholding of documents," the agency's release of responsive information rendered the case moot. *Id.* at *3. In reaching this conclusion, the court rejected the plaintiff's claim that "she also specifically complained about documents improperly withheld and requested injunctive relief in the form of an order requiring the agency to produce the records," finding instead that that "her allegations relate only to a delay in obtaining a FOIA response and not the improper withholding of documents." *Id.* at *2-3.

The *Voinche* and *Amaya-Flores* cases show that, because the FEC provided records responsive to Request 56 and Request 06, this case is moot. Like the complaint of the *Amaya-Flores* plaintiff, plaintiff's Amended Complaint alleges only "a right to information" under the FOIA. Doc. No. 26 ¶¶ 9, 15. Also like the complaint of the *Amaya-Flores* plaintiff, plaintiff's Amended Complaint here does not allege improper withholding under the FOIA, *see* Doc. No. 26 *passim*, even though the FEC had withheld certain records responsive to Requests 56 and Request 06, Calvert Decl. ¶¶ 15-17, 19, 34, by the time plaintiff filed his Amended Complaint. Accordingly, because the FEC has now provided information responsive to plaintiff's FOIA request, this Court has "no further judicial function to perform under the FOIA." *Tijerina*, 821 F.2d at 799. *See also Fisher v. FBI*, 94 F. Supp. 2d 213, 216 (D. Conn. 2000).

D. The Agency Properly Withheld Certain Responsive Information Because it Fell Under at Least One of the Applicable Exemptions for the FOIA

If this Court were to review the FEC's withholding determinations, it would find that the FEC properly withheld the exempt portions of records responsive to Requests 56 and 06 under one or more applicable exemptions under the FOIA. The FOIA provides nine exemptions pursuant to which an agency may withhold requested information. *See* 5 U.S.C. §§ 552(a)(4)(B), (b)(1)-(9). The agency may justify its withholdings in its supporting declaration together with an index of records identifying the particular records or portions of records withheld under one or more exemptions. *See Vaughn v. Rosen*, 523 F.2d 1136 (D.C. Cir. 1975) (hereafter referred to as a "*Vaughn* index"). However, if the Court determines that the agency's *Vaughn* index is not sufficiently detailed, the FOIA authorizes the court to review the withheld records, or a sample of the withheld records *in camera*. *Simon v. Dep't of Justice*, 980 F.2d 782, 784 (D.C. Cir. 1992); *Carter v. U.S. Dep't of Commerce*, 830 F.2d 388, 393 n.16 (D.C. Cir. 1987). "The *in camera*

review provision is discretionary by its terms, and is designed to be invoked when the issue before the District Court could not be otherwise resolved.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 224 (1978).

In this case, this Court should find that the agency’s declaration, *see* Ex. G, and *Vaughn* index, *see* Ex. I, provide sufficient detail to review the propriety of the agency’s withholding determinations, and should find that each determination was proper. *Carbe v. Bureau of Alcohol, Tobacco, and Firearms*, 2004 WL 2051359, at *8 n.5 (D.D.C. Aug. 12, 2004) (denying plaintiff’s request for in camera inspection, because *Vaughn* Index adequately described withheld information).

1. The FEC properly withheld investigatory files under FOIA Exemption 3

The FEC properly withheld records compiled for ongoing administrative matters under FOIA Exemption 3. FOIA Exemption 3 protects from disclosure under the FOIA information for which disclosure is prohibited by *another* statute, if that statute either: (A) “requires that the matters be withheld from the public in such a manner to leave no discretion on the issue;” or (B) “establishes particular criteria for withholding *or* refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3)(A)-(B) (emphasis added). To qualify as an Exemption 3 withholding statute, the statute “must, on its face, exempt matters from disclosure.” *Reporters Cmte. for Freedom of the Press v. Dep’t of Justice*, 816 F.2d 730, 735 (D.C. Cir.), *modified on other grounds*, 831 F.2d 1124 (D.C. Cir. 1987), *rev’d on other grounds*, 489 U.S. 749 (1989). *See also Essential Info., Inc. v. U.S. Info. Agency*, 134 F.3d 1165, 1168 (D.C. Cir. 1998) (statute that prohibits “dissemination” and “distribution” of certain information within the U.S. qualifies as Exemption 3 “nondisclosure” statute). The privacy provision of section 437g of

the Federal Election Campaign Act, 2 U.S.C. §§ 431-55, clearly qualifies as a FOIA Exemption 3(A) statute. The statute provides that “[a]ny notification or investigation made under this section *shall not be made public* by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.” 2 U.S.C. § 437g(a)(12) (emphasis added). The provision clearly leaves the FEC “no discretion on the issue” in “requir[ing] that matter be withheld from the public.” 5 U.S.C. § 552(b)(3)(A). As the D.C. Circuit has explained, section 437g(a)(12)(A) is rooted in a concern that is analogous to the “strong confidentiality interest” served by Federal Rule of Criminal Procedure 6(e)(6), in which “secrecy is vital” to an investigation. *In re Sealed Case*, 237 F.3d 657, 666-67 (D.C. Cir. 2001). Accordingly, information properly withheld under section 437g(a)(12) is exempt from disclosure under FOIA Exemption 3.

In this case, the FEC properly withheld documents identified in the FEC’s *Vaughn* index under 2 U.S.C. § 437g(a)(12) because they relate to ongoing administrative matters. Calvert Decl. ¶ 15. *See* Ex. I (identifying documents at Bates Nos. 1-246, 265-69, 298, 304, 306-09, 311-36, and 384 as withheld under Exemption 3). This Court should find that all documents so identified in the FEC’s *Vaughn* index are properly withheld under FOIA Exemption 3.

2. The FEC properly withheld information contained in files of ongoing investigations under Exemption 7(A)

The FEC properly withheld records compiled for ongoing administrative investigations under Exemption 7(A). Exemption 7(A) of the FOIA protects from disclosure “records [or information] compiled for law enforcement purposes,” to the extent that production of such information could reasonably be expected to “interfere with enforcement proceedings.” 5 U.S.C. § 552(b)(7)(A). Information compiled for law enforcement purposes is protected by Exemption

7(A) if (i) a law enforcement proceeding is pending or prospective, and (ii) release of the information could reasonably be expected to cause some articulable harm. *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 224 (1978). The Exemption protects information compiled for pending or prospective administrative, as well as civil and criminal, proceedings. *See, e.g., Env'tl Prot. Servs. v. EPA*, 364 F. Supp. 2d 575, 588 (N.D. W. Va. 2005). Exemption 7(A) also protects information compiled for a closed law enforcement proceeding when it may be used again in other pending or prospective proceedings. *New England Med. Ctr. Hosp. v. NLRB*, 586 F.2d 377, 385-86 (1st Cir. 1976). Even information not initially obtained or generated for law enforcement purposes qualifies under Exemption 7 if it is subsequently compiled for a valid law enforcement purpose. *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 153 (1989).

To demonstrate the applicability of Exemption 7(A), the agency need only describe in “generic fashion” the type of interference that would result from disclosure. *Wichlacz v. U.S. Dep't of Interior*, 938 F. Supp. 325, 331 (E.D. Ca. 1996), *aff'd*, 114 F.3d 1178 (4th Cir. 1997). In that regard, a simple showing that release of records compiled for law enforcement purposes “could undermine the effectiveness” of the agency’s investigation, “could reveal much about the focus and scope of the . . . investigation,” or could “provide critical insights into the [the agency’s] thinking and strategy” is sufficient. *Elec. Privacy Info. Ctr. v. Dep't of Homeland Security*, 384 F. Supp. 2d 100, 119 (D.D.C. 2005); *Swan v. SEC*, 96 F.3d 498, 500 (D.C. Cir. 1996); *Mapother v. Dep't of Justice*, 3 F.3d 1533, 1543 (D.C. Cir. 1993).

In this case, the FEC’s *Vaughn* index identifies several categories of records that the FEC has compiled for ongoing MURs. *See* Ex. I, at 114-15. The FEC properly withheld these documents because disclosure would substantially increase the ability of persons to impede the

Commission's investigations through means such as destruction or alteration of documents, intimidation of witnesses, or placement of funds out of reach of the government. Calvert Decl. ¶¶ 15, 19. *Cf. SEC v. Jerry T. O'Brien, Inc.*, 467 U.S. 735, 750 (1984). Moreover, in the *Beam* case described above, the court reviewed *in camera* the documents identified in the FEC's *Vaughn* index at Bates Nos. 45-51, 52-56, 57, 58-59, 60, 61-63, 64-65, 66-69, 162-63, 171-233, 235-44 and 311 and sustained the government's invocation of the law enforcement privilege. *See* Ex. D. Because all documents withheld under Exemption 7(A) are of a similar nature, this Court should find that the FEC properly withheld each of these categories of documents.

3. The FEC properly withheld personal information contained in records compiled for law enforcement purposes under Exemption 7(C)

The FEC properly withheld personal information contained in records compiled for law enforcement purposes under Exemption 7(C). Exemption 7(C) provides protection for personal information in law enforcement records. 5 U.S.C. § 552(b)(7)(C). Based upon the traditional recognition of the strong privacy interests inherent in law enforcement records, the "categorical withholding" of information that identifies personal information in law enforcement records, whether about suspects, witnesses, or investigators, is appropriate under Exemption 7(C). *SafeCard Servs. v. SEC*, 926 F.2d 1197, 1206 (D.C. Cir. 1991); *Fitzgibbon v. CIA*, 911 F.2d 755, 767 (D.C. Cir. 1990) (citation omitted). Exemption 7(C) has been regularly applied to withhold references to private persons who are not necessarily targets of investigations but who are merely mentioned in law enforcement files. *See, e.g., Rugiero v. Dep't of Justice*, 257 F.3d 534, 552 (6th Cir. 2001).

"The first question to ask in determining whether Exemption 7(C) applies is whether

there is any privacy interest in the information sought,” and if so, what the magnitude of that interest is. *Associated Press v. Dep’t of Defense*, 554 F.3d 274, 284 (2d Cir. 2009). *See also Rugiero*, 257 F.3d at 552. The privacy interest and its magnitude is balanced against the magnitude of any recognized public interest that would be served by disclosure. *Schiffer v. FBI*, 78 F.3d 1405, 1410 (9th Cir. 1996). The burden to show that the public interest in disclosure outweighs the privacy interest falls on the requester. *Nat’l Archives and Records Admin. v. Favish*, 541 U.S. 157, 172 (2004). However, courts routinely protect the identities of private persons contained in law enforcement records, finding the balance in protecting the privacy interest easily outweighs the potential benefit of disclosure. *See, e.g., Perrone v. FBI*, 908 F. Supp. 24, 26-27 (D.D.C. 1995).

In this case, the FEC properly withheld the identities of witnesses in records compiled for law enforcement purposes. Calvert Decl. ¶¶ 17, 19. *See* Ex. I, at 115 (identifying the category of witnesses’ name and contact information about contained in the records compiled for law enforcement purposes). *Id.* at 115, 118 (identifying portions of DOJ Crim 8 and EOUSA 1 for same reason). The FEC has demonstrated that disclosure of the identities of these witness could result in stigmatizing public attention and even harassment. Calvert Decl. ¶¶ 17. *Cf. Perrone*, 908 F. Supp. at 26-27. Accordingly, the FEC properly withheld this information under FOIA Exemption 7(C).

4. The FEC properly withheld under FOIA Exemption 5 confidential, pre-decisional recommendations protected by the deliberative process privilege and material prepared in anticipation of litigation protected by the attorney work product privilege

The FEC properly withheld confidential, pre-decisional recommendations protected by the deliberative process privilege and material prepared or gathered in anticipation of litigation

protected by the attorney work product privilege under Exemption 5. Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). Courts have construed this language to “exempt those documents, and only those documents, normally privileged in the civil discovery context.” *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149 (1975).

However, there is a significant difference between the application of privileges in civil discovery and in the FOIA context. In the former, the use of qualified privileges may be overcome by a showing of relevance or need by an opposing party. In the FOIA context, however, the Supreme Court has held that the standard to be employed is whether the documents would “routinely be disclosed” in civil litigation. *U.S. v. Weber Aircraft Corp.*, 465 U.S. 792, 799 (1984). By definition, documents for which a party would have to make a showing of need are not routinely disclosed and thus do not fall into this category. *FTC v. Grolier Inc.*, 462 U.S. 19, 28 (1983). Accordingly, an agency need only make a threshold showing that information is protected by one or more common law privileges to properly withhold it under Exemption 5. *See id.*

In this case, many records responsive to Request 56-1 contain information protected by the deliberative process privilege. The deliberative process protects the “decision making processes of government agencies.” *Sears, Roebuck & Co.*, 421 U.S. at 150. The privilege protects not merely documents, but also the integrity of the deliberative process itself. *Schell v. Dep’t of Health and Human Servs.*, 843 F.2d 933, 940 (6th Cir. 1988). For the deliberative process privilege to be invoked, a communication must be pre-decisional, and it must be

deliberative. *Id.* So long as a document is generated as part of a continuing process of agency decision making, Exemption 5 is applicable. “The exemption thus covers recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.” *Id.* To evaluate the applicability of the deliberative process privilege, “the key question in Exemption 5 cases [is] whether disclosure of materials would expose an agency’s decisionmaking process in such a way as to discourage discussion within the agency and thereby undermine the agency’s ability to perform its functions.” *Id.*

Here, the FEC withheld confidential, pre-decisional recommendations and opinions under Exemption 5 because they are protected by the deliberative process privilege. Calvert Decl. ¶¶ 16, 19. *See also* Ex. I (identifying documents at Bates Nos. 1-611, and DOJ Crim 3-27, EOUSA 1, and DOJ Civil 1-6 as withheld under Exemption 5). Moreover, the FEC demonstrated that disclosure of this information would interfere with agency decision making. *Id.* ¶ 16. Accordingly, this Court should hold that the FEC properly withheld documents at Bates Nos. 1-611 under Exemption 5 because they are protected by the deliberative process privilege.

Additionally, the same records responsive to Request 56-1 contain information protected by the attorney work product doctrine. The requested material encompasses information about interactions among Commission counsel about one or more pending enforcement matters, and between the Commission and DOJ counsel about this case and other lawsuits that associates of the Fieger firm have filed. The attorney work product privilege shields from discovery a counsel’s memoranda, reports, correspondence, and other information that would disclose the mental impressions, conclusions, opinions, or legal theories of an attorney or other party

representative prepared in anticipation of litigation. *See Hickman v. Taylor*, 329 U.S. 495, 510-11 (1947); Fed. R. Civ. P. 26(b)(3). This privilege protects from discovery materials “prepared or obtained because of the prospect of litigation,” *Logan v. Commercial Union Ins. Co.*, 96 F.3d 971, 976-77 (7th Cir. 1996) (emphasis omitted), as well as an attorney’s mental impressions, opinions, and legal theories concerning litigation. *Hickman*, 329 U.S. at 510-11. *See also* Fed. R. Civ. P. 26(b)(3).

In this case, records responsive to Request 56-1 consist of documents prepared or gathered by the Commission attorneys to defend the various lawsuits brought by associates of the Fieger firm, including emails between attorneys, attorney notes, and charts. Calvert Decl. ¶ 16. Such documents unquestionable go to the heart of the work product doctrine. *See also* Ex. I (identifying documents at Bates Nos. 1-611 as withheld under Exemption 5). The *Beam* court reviewed *in camera* the documents identified in the FEC’s *Vaughn* index at Bates Nos. 45-51, 52-56, 57, 58-59, 60, 61-63, 64-65, 66-69, 162-63, 171-233, 235-44 and 311 and sustained the government’s withholding of those documents under the attorney work product privilege. *See* Ex. D. Because all documents for which the FEC invoked the Exemption 5 are the same type of documents, this Court should hold that the FEC properly withheld documents at Bates Nos. 1-611 under Exemption 5 because they are protected by the attorney work product privilege.

5. The FEC properly withheld personal information under Exemption 6

The agency properly withheld personal information under FOIA Exemption 6. Exemption 6 permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). All information that

“applies to a particular individual” meets the threshold requirement for Exemption 6 protection. *U.S. Dep’t of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982); *Balderrama v. Dep’t Homeland Security*, 2006 WL 889778, at *9 (D.D.C. Mar. 30, 2006).

After the agency has demonstrated that a personal privacy interest is threatened by a requested disclosure, the burden switches to the plaintiff to show the public interest in disclosure. *Carter v. U.S. Dep’t of Commerce*, 830 F.2d 388, 391 nn. 8 & 13 (D.C. Cir. 1987); *Prison Legal News v. Lappin*, 436 F. Supp. 2d 17, 22 (D.D.C. 2006). In *Reporters Committee, supra*, the Supreme Court limited the concept of public interest under the FOIA to the “core purpose” for which Congress enacted it: To “shed light on an agency’s performance of its statutory duties.” 489 U.S. at 773. Moreover, the Court has held that “the public interest sought to be advanced” must be “a significant one.” *Nat’l Archives & Record Admin. v. Favish*, 541 U.S. 157, 172 (2004). As a result, information that does not *directly* reveal the operations or activities of the federal government “falls outside the ambit of the public interest that the FOIA was enacted to serve.” *Reporters Cmte.* 489 U.S. at 775. Indeed, the Court held that the FOIA’s “core purposes” would not be furthered by disclosure of a record about a private individual, even if it “would provide details to include in a news story, [because] this is not the kind of public interest for which Congress enacted the FOIA.” *Id.* at 774.

In this case, as identified in the FEC’s *Vaughn* index, the Commission redacted personal information about government employees, their family members, and private citizens. Calvert Decl. ¶¶ 19, 20, 31, 36. See Ex. I (identifying personal information withheld in documents at Bates Nos. 612-1082, 1084-1200, 1202-1267, 1268-1331, 1333, 1335-41, 1346, 1351, 1356-57, 1362-76, 1378, 1384-85, 1393-1449, 1451, 1453-85, 1487-1511, 1513, 1515-1704, and DOJ

Crim 8), under FOIA Exemption 6). The FEC properly withheld personal information about government employees. *See, e.g., Cowdery, Ecker & Murphy, LLC v. Dep't of Interior*, 511 F. Supp. 2d 215, 219 (D. Conn. 2007). The FEC also properly withheld the identity of job applicants. *See Core v. U.S. Postal Serv.*, 730 F.2d 946, 948-49 (4th Cir. 1984). Additionally, the agency properly withheld contact information for government employees potentially subject to annoyance or harassment. *Hunt v. FBI*, 972 F.2d 286, 288 (9th Cir. 1992); *Cal-Trim Inc. v. IRS*, 484 F. Supp. 2d 1021, 1027 (D. Ariz. 2007). *See also Keys v. Dep't of Homeland Security*, 570 F. Supp. 2d 59, 68 (D.D.C. 2008). However, the FEC disclosed all non-exempt information in the records. Calvert Decl. ¶¶ 31, 36, 37.

Moreover, disclosure of the withheld personal information, identities of job applicants, and email addresses of government employees and private citizens would not “shed[] light on an agency’s performance of its statutory duty” or inform citizens about ““what their government is up to.”” *Reporters Cmte.*, 489 U.S. at 773. Rather, the disclosure of this information would only reveal “who” works for the federal government and not directly show “how” any alleged “government practices” occurred. As other courts have concluded, “there is no reason to believe that the public [would] obtain a better understanding of the workings of various agencies by learning” the personal information, job applicants’ identities, or email addresses of the individuals associated with the documents. *Voinche v. FBI*, 940 F. Supp. 323, 330 (D.D.C. 1996), *aff’d*, 1997 WL 411685 (D.C. Cir. June 19, 1997). Indeed, “[u]nless the public would learn something *directly* about the workings of the *Government* by knowing [personal information, email addresses and identities of job applicants] . . . , their disclosure is not affected with the public interest.” *Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 879

(D.C. Cir. 1989) (first emphasis added). Thus, public interest in disclosure of the information is virtually non-existent. Accordingly, this Court should hold that the FEC properly withheld personal information contained in the responsive records under Exemption 6.

6. The FEC properly withheld trivial internal information under Exemption 2

Finally, the agency properly withheld trivial internal information under FOIA Exemption 2. Exemption 2 protects records that are “related solely to the internal personnel rules and practices of an agency.” In *Department of the Air Force v. Rose*, 425 U.S. 352 (1976), the Supreme Court construed Exemption 2 as protecting internal agency matters so routine or trivial that they could not be “subject to . . . a genuine and significant public interest.” *Id.* at 369. As such, Exemption 2 is the only exemption in the FOIA having a conceptual underpinning totally unrelated to any harm caused by disclosure per se. *Edmonds v. FBI*, 272 F. Supp. 2d 35, 51 (D.D.C. 2003) (observing that showings of “foreseeable adverse consequence[s]” are not necessary to withhold information that is trivial and of no public interest). Accordingly, under Exemption 2, an agency may withhold all trivial internal information from documents. *Scherer v. Kelley*, 584 F.2d 170, 175-76 (7th Cir. 1978) (approving agency’s withholding of “file numbers, initials, signature and mail routing stamps, references to interagency transfers, and data processing references”). See also *Larson v. Dep’t of State*, No. 02-1937, 2005 WL 3276303, at *14 (D.D.C. Aug. 10, 2005) (finding that “low 2” covers “message routing data”); *Coleman v. FBI*, 13 F. Supp. 2d 75, 78 (D.D.C. 1998) (listing “mail routing stamps” among types of information properly withheld under “low 2”); *Wilson v. Dep’t of Justice*, 1991 WL 111457, at *3 (D.D.C. June 13, 1991) (applying “low 2” to State Department transmittal slips from low-level officials); *Ray v. FBI*, 441 F. Supp. 2d 27, 33 (D.D.C. 2006) (internal FBI telephone

number); *Odle v. Dep't of Justice*, 2006 WL 1344813, at *13 (N.D. Cal. May 17, 2006) (“non-public [Office of Professional Responsibility] fax numbers and telephone numbers”); *Middleton v. Dep't of Labor*, 2006 WL 2666300, at *6 (E.D. Va. Sept. 15, 2006) (concluding that “it is apparent” that “the redacted ID numbers [do not] constitute a matter of genuine public interest”).

In this case, the agency withheld non-public government employee phone numbers, facsimile numbers and email addresses under Exemption 2 because they are trivial internal information. Calvert Decl. ¶¶ 30, 36. *See* Ex. I (identifying trivial internal government information contained in documents at Bates Nos. 783-84, 788-811, 816-17, 820-24, 826-27, 834, 874, 1052-81, 1084-1199, 1202-1265, 1268-1331, 1333, 1335-37, 1341, 1346, 1351, 1356-57, 1341, 1346, 1351, 1356-57, 1362-72, 1374-76, 1378, 1378, 1384-85, 1393, 1449, 1451, 1453-1485, 1487-1511, 1513, 1515-1523, 1541-1549, and 1567-1704 as withheld under Exemption 2). However, the FEC provided all other non-exempt information contained in the responsive records. Calvert Decl. ¶ 36. Because there is no public value in disclosure in this information, this Court should hold the FEC properly withheld this information under Exemption 2.

E. The FEC Disclosed All Non-Exempt Portions of Responsive Records

The FOIA requires that “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such a record after deletion of the portions which are exempt.” 5 U.S.C. § 552(b). Of course, when an agency demonstrates that the withheld records are exempt in their entireties, courts have upheld the determination that no segregation is possible. *See, e.g., Judicial Watch, Inc. v. Dep't of Justice*, 432 F.3d 366, 371-72 (D.C. Cir. 2005) (holding that

because Exemption 5 protects from disclosure attorney work-product documents in full, including factual portions, such portions are not subject to segregability).

In this case, the FEC properly held documents protected by Exemption 3, Exemption 5, and Exemption 7(A) in their entirety because there was no portion of the document that was not protected by the Exemptions. Calvert Decl. ¶¶ 15, 16. By contrast, for all other documents, the agency carefully redacted only information protected by Exemption 6 and Exemption 2, and produced all other relevant information. *Id.* ¶¶ 36, 37. As a result, the agency met its segregability obligations under the FOIA. *Accord Manchester v. FBI*, 2005 WL 3275802, at *4 (D.D.C. Aug. 9, 2005).

VI. CONCLUSION

For the foregoing reasons, this Court should grant defendant's motion for summary judgment.

Dated: August 21, 2009

Respectfully Submitted,

THOMASENIA P. DUNCAN
General Counsel

TONY WEST
Assistant Attorney General

DAVID KOLKER
Associate General Counsel

TERRENCE BERG
United States Attorney

HARRY J. SUMMERS
Assistant General Counsel

DERRI T. THOMAS
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9153
E-mail: derri.thomas@usdoj.gov
(P53439)

/s/ Greg J. Mueller
GREG J. MUELLER
Attorney
FEDERAL ELECTION
COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
Phone: (202) 694-1650
Email: gmueller@fec.gov

/s/ James D. Todd, Jr.
JOHN R. TYLER, Assistant Director
JAMES D. TODD, JR., Senior Counsel
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W.
Washington, DC 20530
Phone: (202) 514-3378
Email: james.todd@usdoj.gov

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 21, 2009, he filed the foregoing document with the Court's ECF system, through which a copy will be emailed to the following counsel of record:

Michael R. Dezsi, Esq.
FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX, P.C.
19390 West Ten Mile Road
Southfield, Michigan 48075
m.dezsi@fiegerlaw.com
Attorney for Plaintiff

/s/ James D. Todd, Jr.
JAMES D. TODD, JR.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEOFFREY NELS FIEGER,

Plaintiff,

Civil No. 2:08-14125

v.

Hon. David M. Lawson

FEDERAL ELECTION COMMISSION,

Defendant.

**DEFENDANT'S INDEX OF EXHIBITS SUBMITTED IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

| Exhibit: | Document Title: |
|----------|---|
| A | Letter from Michael R. Deszi, Esq. to Candace J. Salley, Federal Election Commission (July 3, 2008), and Related Correspondence |
| B | Letter from Michael R. Deszi, Esq. to Candace J. Salley, Federal Election Commission (Oct. 27, 2008), and Related Correspondence |
| C | <i>Beam v. Mukasey</i> , No. 07-1227 (N.D. Ill.), Doc. No. 130-3 |
| D | <i>Beam v. Mukasey</i> , No. 07-1227 (N.D. Ill.), Doc. No. 141 |
| E | Letter from Michael Deszi, Esq. to Greg Mueller, Federal Election Commission (Nov. 19, 2008) |
| F | <i>Bricker v. Federal Bureau of Investigation</i> , No. 97-2742, Slip Opinion (D.D.C. Mar. 26, 1999) |
| G | Declaration of the Lawrence Calvert, Chief Freedom of Information Act Officer, Federal Election Commission |
| H | <i>Fieger v. Federal Election Commission</i> , No. 2:08-cv-14125 (E.D. Mich.), Excerpts from Hearing on Motion for Leave to Conduct Discovery, April 16, 2009 |
| I | <i>Fieger v. Federal Election Commission</i> , No. 2:08-cv-14125 (E.D. Mich.), <i>Vaughn</i> Index |

EXHIBIT A

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX
A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
19390 WEST TEN MILE ROAD
SOUTHFIELD, MICHIGAN 48075-2463

TELEPHONE (248) 355-5555

FAX (248) 355-5148

WEBSITE: www.fiegerlaw.com

E-MAIL: info@fiegerlaw.com

NRNF 4031
FOIA Request 2008-56

MICHAEL R. DEZSI

DIRECT DIAL (248) 355-3911
E-MAIL: m.dezsi@fiegerlaw.com

July 3, 2008

CERTIFIED MAIL

Federal Election Commission
Attn: Candace J. Salley
Room 408
999 E. Street, N.W.
Washington, D.C. 20463

Re: FOIA Request

Dear Ms. Salley:

Pursuant to the Freedom of Information Act, I am hereby requesting the following:

1. Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between officials, agents and/or employees of the FEC and officials, agents and/or employees of the Department of Justice relating to possible violations of the Federal Election Campaign Act by the law firm of Fieger, Fieger, Kenney & Johnson, P.C., including its partners, employees, contractors, associates, and their children and spouses.
2. Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, relating in any way to enforcement of federal criminal statutes, including, but not limited to, the Federal Election Campaign Act.

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX

Federal Election Commission

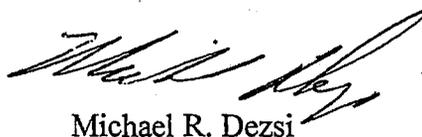
July 3, 2008

Page Two

I look forward to your prompt response consistent with the requirements of the Freedom of Information Act. Please do not hesitate to contact me with any questions. Thank you for your kind attention to this matter.

Very truly yours,

FIEGER, FIEGER, KENNEY, JOHNSON
& GIROUX, PC

A handwritten signature in black ink, appearing to read "Michael R. Dezsi", is written over the typed name.

Michael R. Dezsi

MRD/jn

FOIA
Sent by: Candace Salley

To m.dezsi@fiegerlaw.com

cc

07/17/2008 02:49 PM

bcc

Subject Your Freedom of Information Act Request to the Federal
Election Commission 2008-56

July 17, 2008

Michael Dezsi
m.dezsi@fiegerlaw.com

Subject: Your Freedom of Information Act Request to the
Federal Election Commission

Dear Mr. Dezsi:

This email acknowledges receipt of your Freedom of Information Act (FOIA) request dated July 3, 2008; received in our office July 9, 2008.

Please note that, depending upon the nature of your request, we may be able to respond to you more quickly if you are able to state your request more specifically or narrowly, either in terms of the scope of documents you have requested or by refining the timeframe of your request. If you would like to discuss this option or if you have any questions, please contact the FOIA Requester Service Center at (202) 694-1650. Please include the following tracking number in all future correspondence regarding this matter – **FOIA Request 2008-56**.

Thank you for contacting the Federal Election Commission.

Sincerely,

Candace J. Salley
FOIA Requester Service Center



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Michael R. Dezsi
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2008-56

Dear Mr. Dezsi:

This is in response to your letter dated July 3, 2008 in which you sought information under the Freedom of Information Act. Specifically you requested:

1. Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between officials, agents and/or employees of the FEC and officials, agents and/or employees of the Department of Justice relating to possible violations of the Federal Election Campaign Act by the law firm of Fieger, Fieger, Kenney & Johnson, P.C., including its partners, employees, contractors, associates, and their children and spouses.
2. Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, relating in any way to enforcement of federal criminal statutes, including, but not limited to, the Federal Election Campaign Act.

Because the scope of your request seems to include not only Fieger, Fieger, Kenney, Johnson & Giroux, P.C and third parties, but also you, as an employee of the firm, we have reviewed your request under the FOIA with respect to the firm and third parties and both FOIA and the Privacy Act, 5 U.S.C. § 552a, *et seq.* with respect to you.

We made a thorough search of the Commission's records and files for responsive documents. For purposes of that portion of your request that we treated as a request under the Privacy Act, we did not find any responsive documents that pertained to you individually. We did find documents responsive to your FOIA request. Among the responsive documents found were documents which originated in full or in part with the

Department of Justice (DOJ). As such, we have referred your FOIA request with respect to those documents to the DOJ for direct response.

Enclosed are FEC documents found to be responsive to the first part of your request. However, as discussed in more detail below, the remaining FEC responsive documents are exempt from disclosure based on Exemptions 2, 3, 5, 6, 7C, and 7A of FOIA. *See* 5 U.S.C. §§ 552(b)(2), (b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(A).

Under FOIA, agencies are authorized to withhold documents under 5 U.S.C. § 552(b)(2) (Exemption 2) that are "related solely to the internal personnel rules and practices of an agency." Examples of these types of documents include document routing information and transmittal sheets, and other information that is predominantly internal and of a trivial nature and not of any genuine public interest.

Exemption 3 of FOIA exempts from disclosure those records that are specifically exempted from disclosure by statute . . . provided that the statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria withholding or refers to particular types of matters to be withheld. 5 U.S.C. § 552(b)(3). In this case, the Commission is prohibited under 2 U.S.C. § 437g(a)(12)(A) from disclosing "any notification or investigation made under this section" of "any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made." With respect to persons not represented by you in connection with any enforcement matter, we have received no written notification from any such person consenting to disclosure of records that may pertain to them. Therefore, you are not entitled to such information.

Some of the information you seek is also protected from disclosure by the deliberative process privilege and the attorney work product privilege, as incorporated under Exemption 5 of FOIA. Under Exemption 5 of FOIA, the Government may withhold from disclosure any "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." Some of the documents you seek are predecisional intra-office and inter-agency correspondences that were prepared in anticipation of litigation. As such, they are shielded by the attorney work product privilege and have no reasonably segregable portions to release. In addition, releasing the requested documents could adversely affect the agency's deliberative process in those documents that contain recommendations or express opinions on legal or policy matters.

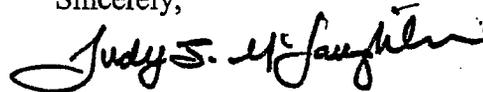
Exemptions 6 and 7(C) of the FOIA protect release of information about individuals from "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy," or if compiled for law enforcement purposes, "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6), (7)(C). As we understand you to be a third-party requester, information that you seek pertaining to any persons whom you do not represent would be exempt from disclosure.

Last, because some of the documents you seek pertain to ongoing FEC enforcement proceedings, they are exempt under Exemption 7(A) of the FOIA. Under this exemption, "records or information compiled for law enforcement purposes" may be withheld when producing them "could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A).

With regard to the second part of your request, we did not find any responsive documents pertaining to communications between FEC officials and White House officials about enforcement of federal criminal statutes, including the Federal Election Campaign Act.

If you are dissatisfied with this decision, you may appeal, in writing, to FOIA Officer, Federal Election Commission, 999 E Street, NW, Washington, DC 20463. If you appeal this decision, you should clearly and prominently state on the envelope or other cover and at the top of the first page, "FOIA Appeal." In addition, you should include a copy of your original request, a copy of this letter, and a statement explaining why you believe that this decision is in error.

Sincerely,



Judy S. McLaughlin
FOIA Request Service Center



| | | | |
|--------------------------------------|-------------------------------------|--------------------------------------|-----------------------|
| Invoice Number 2-943-63811 | Invoice Date Oct 07, 2008 | Account Number 0200-5346-1 | Page 6 of 7 |
|--------------------------------------|-------------------------------------|--------------------------------------|-----------------------|

Automation FXRS
Tracking ID 972925966640
Service Type FedEx 2Day
Package Type FedEx Pak
Packages 1
Rated Weight 2.0 lbs, 0.9 kgs
Delivered Oct 02, 2008 14:35
Svc Area A1
Signed by D.BUSH
FedEx Use 000000000/0011774/_

Sender
 MAIL CENTER
 FEDERAL ELECTION COMMISSION
 999 E STREET N.W.
 WASHINGTON DC 20463 US

Recipient
 MICHAEL R. DEZSI
 FIEGER FIEGER KENNEY JOHNSON G
 19390 WEST TEN MILE RD
 SOUTHFIELD MI 48075 US

Transportation Charge 4.23
Fuel Surcharge 0.59
Total Charge *Jackie Crawford-OK* **USD** \$4.82

Dropoff dt: Sep 30, 2008
Payor: Shipper

Dropoff dt: Oct 01, 2008
Payor: Shipper

Cust. Ref.: NO REFERENCE INFORMATION
Ref.#1:
Ref.#2:
Ref.#3:

* Fuel Surcharge - FedEx has applied a fuel surcharge of 14.00% to this shipment.

EXHIBIT B

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX
A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
19390 WEST TEN MILE ROAD
SOUTHFIELD, MICHIGAN 48075-2463

TELEPHONE (248) 355-5555

FAX (248) 355-5148

WEBSITE: www.fiegerlaw.com

E-MAIL: info@fiegerlaw.com

DIRECT DIAL (248) 355-3911

E-MAIL: m.dezsi@fiegerlaw.com

MICHAEL R. DEZSI

October 27, 2008

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Federal Election Commission
Attn: Candace J. Salley
Room 408
999 E. Street, N.W.
Washington, D.C. 20463

Re: FOIA Request

Dear Ms. Salley:

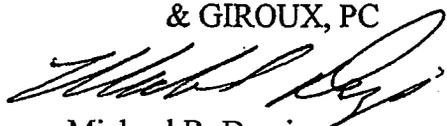
Pursuant to the Freedom of Information Act, I am hereby requesting the following:

1. Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President.

I look forward to your prompt response consistent with the requirements of the Freedom of Information Act. Please do not hesitate to contact me with any questions. Thank you for your kind attention to this matter.

Very truly yours,

FIEGER, FIEGER, KENNEY, JOHNSON
& GIROUX, PC


Michael R. Dezsi

MRD/vgb



FOIA
Sent by: Candace Salley
11/05/2008 09:13 AM

To m.dezsi@fiegerlaw.com
cc
bcc
Subject Your Freedom of Information Act Request to the Federal
Election Commission 2009-06

November 5, 2008

Michael Dezsi
m.dezsi@fiegerlaw.com

Subject: Your Freedom of Information Act Request to the
Federal Election Commission

Dear Mr. Dezsi:

This email acknowledges receipt of your Freedom of Information Act (FOIA) request dated October 27, 2008; received in our office November 3, 2008.

Please note that, depending upon the nature of your request, we may be able to respond to you more quickly if you are able to state your request more specifically or narrowly, either in terms of the scope of documents you have requested or by refining the timeframe of your request. If you would like to discuss this option or if you have any questions, please contact the FOIA Requester Service Center at (202) 694-1650. Please include the following tracking number in all future correspondence regarding this matter – **FOIA Request 2009-06**.

Thank you for contacting the Federal Election Commission.

Sincerely,

Candace J. Salley
FOIA Requester Service Center



FOIA
Sent by: Nicole J St
Louis/FEC/US

11/07/2008 04:40 PM

To m.dezsi@fiegerlaw.com

cc

bcc Judy McLaughlin/FEC/US

Subject Clarification of your FOIA Request dated October 27, 2008

Dear Mr. Dezsi,

I am writing to follow up on voice messages I left today and earlier this week on Nov. 5. Your FOIA, in general, asks for documents between the FEC and the Executive Office of the President and/or Vice President. Based on language used in your request, we are interpreting your request to include documents between the FEC and the White House Office, rather than the Executive Office of the President ("EOP").

The EOP includes:

- Council of Economic Advisers
- Council on Environmental Quality
- National Security Council
- Office of Administration
- Office of Management and Budget
- Office of National Drug Control Policy
- Office of Science & Technology Policy
- President's Foreign Intelligence Advisory Board
- United States Trade Representative
- White House Office

As you can see, the EOP consists of many offices. We submit many documents to the Office of Management and Budget as a part of the agency's general administration. It does not appear as if you meant to be that expansive.

Please let us know whether our interpretation of your request is correct.

Thank you,
Nicole J. St. Louis
FOIA Public Liason

Nicole J St Louis/FEC/US
11/07/2008 05:05 PM

To Lawrence Calvert/FEC/US@FEC, Judy
McLaughlin/FEC/US@FEC

cc

bcc

Subject Fw: Clarification of your FOIA Request dated October 27,
2008

Please see below.

Nicole J. St. Louis
Assistant General Counsel for Administrative Law
Phone: (202) 694-1342
Fax: (202) 208-0505

NOTICE: This communication and attachments may contain privileged and/or confidential information intended only for use of the addressee(s). If this email has been received in error, please notify the sender immediately by telephone at (202) 694-1650 or by reply email, and delete the message without copying or disclosing its contents.

----- Forwarded by Nicole J St Louis/FEC/US on 11/07/2008 05:05 PM -----



Michael Dezsi
<m.dezsi@fiiegerlaw.com>
11/07/2008 05:02 PM

To "FOIA@fec.gov" <FOIA@fec.gov>

cc

Subject RE: Clarification of your FOIA Request dated October 27,
2008

Ms. St. Louis,

In response to your question regarding my recent FOIA request, I am requesting documents within the EOP but excluding any and all documents sent from the FEC to the Office of Management and Budget.

I look forward to your response. Please let me know if you have any further questions.

Best regards,

Michael Dezsi

From: NStLouis@fec.gov [mailto:NStLouis@fec.gov] **On Behalf Of** FOIA@fec.gov

Sent: Friday, November 07, 2008 4:41 PM

To: Michael Dezsi

Subject: Clarification of your FOIA Request dated October 27, 2008

Dear Mr. Dezsi,

I am writing to follow up on voice messages I left today and earlier this week on Nov. 5. Your FOIA, in general, asks for documents between the FEC and the Executive Office of the President and/or Vice

President. Based on language used in your request, we are interpreting your request to include documents between the FEC and the White House Office, rather than the Executive Office of the President ("EOP").

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As you can see, the EOP consists of many offices. We submit many documents to the Office of Management and Budget as a part of the agency's general administration. It does not appear as if you meant to be that expansive.

Please let us know whether our interpretation of your request is correct.

Thank you,
Nicole J. St. Louis
FOIA Public Liason

***** -COMM. JOURNAL- ***** DATE DEC-03-2008 ***** TIME 16:59 *****

MODE = MEMORY TRANSMISSION

START=DEC-03 16:58

END=DEC-03 16:59

FILE NO. =324

| STN NO. | COMM. | ABBR NO. | STATION NAME/TEL NO. | PAGES | DURATION |
|---------|-------|----------|----------------------|---------|----------|
| 001 | OK | S | 912483555148 | 003/003 | 00:00:29 |

-FED ELECTION COM -

***** -1990900270 - ***** - 202 219 1043- *****



**FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL**

999 E Street, N.W.
Washington, DC 20463
(202) 694-1650
(202) 219-1043 - Fax

Facsimile Transmission

DATE: 12/3/08
TIME: 4:34

| | | |
|-----|--------------|---|
| To: | Name: | Michael Dezsi, Esq. |
| | Company: | Fieger, Fieger, Kenney, Johnson, & Giroux, P.C. |
| | Fax Number: | 248-355-5148 |
| | Voice Phone: | |

| | | |
|-------|--------------|-----------------|
| From: | Name: | Judy McLaughlin |
| | Voice Phone: | 202-694-1650 |

| | |
|--------------------------------------|--|
| No. of Pages (following cover page): | |
|--------------------------------------|--|

MESSAGE: Attached is the FEC's initial response to your FOIA request dated October 27, 2008 (FOIA Request #2009-06). The original letter with attachments has been sent to you under separate cover via certified mail.

The information contained in this telefacsimile message is transmitted by an attorney. It may be privileged and/or confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that disseminating, distributing, or copying any portion of this communication is strictly prohibited and may be in violation of 2 U.S.C. § 437g(a)(12). If this communication has been received in error, please notify us immediately by telephone, collect if necessary, and return the original message to us at the above address via the US Postal Service (we will reimburse postage). Thank you.

Please contact the Office of General Counsel at (202) 694-1650 if you do not receive all pages.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DEC 3 2008

Michael R. Dezsi, Esquire
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

This is in response to your request for information under the Freedom of Information Act (FOIA) dated October 27, 2008 that was received by the Federal Election Commission's (FEC) FOIA Requester Service Center on November 3, 2008. Specifically you requested:

Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President.

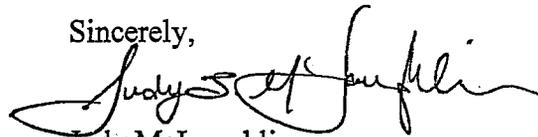
In your email dated November 7, 2008 to Nicole St. Louis, the FEC's FOIA Public Liaison and Assistant General Counsel for Administrative Law, General Law and Advice Division, you narrowed the scope of your request to exclude "any and all documents sent from the FEC to the Office of Management and Budget."

Enclosed you will find the FEC's initial production of documents that are responsive to your request. This letter and production is not a final determination. The FEC is continuing to process your request. However, in accordance with 5 USC § 552(a)(6)(B)(i) and 11 C.F.R. § 4.7(c), we are extending the processing period to respond to your request an additional ten working days to December 17, 2008. This time is necessary to appropriately examine a large quantity of separate and distinct potentially responsive records. 11 C.F.R. § 4.7(c)(2). It is also necessary for consultation with the White House, which has a substantial interest in the determination of the request. See 11 C.F.R. § 4.7(c)(3); see also Memorandum from Associate Attorney General Webster Hubbell, November 3, 1993 (mandating consultation with White House counsel's office when a FOIA search yields records originating from White House Office personnel).

After our review of the documents and our consultation with the White House is complete we will provide you the FEC's final determination concerning the above referenced FOIA request. We anticipate sending you our final determination by December 17, 2008.

If you have any questions about this letter, you can call me on (202) 694-1650 or by email at FOIA@fec.gov. Please include the following tracking number in all future correspondence regarding this matter – FOIA Request 2009-06.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy McLaughlin". The signature is fluid and cursive, with a large initial "J" and "M".

Judy McLaughlin
FOIA Request Center



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DEC 17 2008

Michael R. Dezsi, Esquire
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

This is a follow up to my December 3, 2008 letter to you regarding your Freedom of Information Act (FOIA) Request No. 2009-06. In that letter, I notified you that the FEC was extending the time necessary to process your request, in accordance with 5 USC § 552(a)(6)(B)(i) and 11 C.F.R. § 4.7(c), in light of the FEC's need to examine a large quantity of separate and distinct potentially responsive records and to consult with the White House about some of those records. I also provided you with an initial production of FEC documents that were responsive to your request.

Unfortunately, given the large number of documents, the FEC has not yet completed its consultation with the White House about potentially responsive documents to your request. The FEC is however, making a good faith effort to complete the consultation process before the appropriate officials in the White House Counsel's Office leave office. In light of this unusual circumstance, the FEC requests that you advise us of an alternative time frame for processing your request that we can find mutually agreeable. In the interim, we are providing you with additional non-exempt responsive agency records. See attached.

Please contact me at your earliest convenience to reset the time period for responding to your request. I can be reached on 202-694-1650. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Judy S. McLaughlin".

Judy S. McLaughlin
FOIA Requester Service Center

Attachments

Nicole St Louis
Matthis/FEC/US
Assistant General Counsel
08/19/2009 01:27 PM

To Greg Mueller/FEC/US@FEC
cc
bcc
Subject Emails to/from Dezsi

I've included them all in one email below.

Nicole St. Louis Matthis
Assistant General Counsel for Administrative Law
Phone: (202) 694-1342
Fax: (202) 208-0505

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----- Forwarded by Nicole St Louis Matthis/FEC/US on 08/19/2009 01:24 PM -----

Nicole J St Louis/FEC/US
12/18/2008 10:34 AM

To Michael Dezsi <m.dezsi@fiegerlaw.com>
cc
Subject Re: FOIA Extension 

Mr. Dezsi,

Thank you for your response. I will keep you posted on our progress with the remaining documents to be reviewed.

Have a Happy Holiday!

Nicole

Nicole J. St. Louis
Assistant General Counsel for Administrative Law
Phone: (202) 694-1342
Fax: (202) 208-0505

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Michael Dezsi <m.dezsi@fiegerlaw.com>



Michael Dezsi
<m.dezsi@fiegerlaw.com>
12/18/2008 10:30 AM

To "NStLouis@fec.gov" <NStLouis@fec.gov>
cc
Subject FOIA Extension

Ms. St. Louis,

To follow up with your phone call of the other day, I am willing to agree to an extension on my FOIA request until December 31, 2008. You may recall, my original request was dated October 27, 2008, and received by the FEC on November 3, 2008, thus the original deadline was December 3 which the FEC extended, by regulations, until December 17, and now the FEC has asked me to agree on an additional extension. I am willing to agree to extend the FEC's time in which to respond until December 31, 2008. Please let me know if you have any other questions. Thanks so much for your attention to this matter.

Best,

mrd

Michael R. Dezsi
Fieger, Fieger, Kenney & Johnson PC
19390 West Ten Mile Rd
Southfield, Michigan 48075
(248) 355-5555 - phone
(248) 355-5148 - fax

----- Forwarded by Nicole St Louis Matthis/FEC/US on 08/19/2009 01:24 PM -----

Nicole J St Louis/FEC/US

01/28/2009 04:52 PM

To Michael Dezsi <m.dezsi@fiegerlaw.com>

cc FOIA@FEC

Subject Re: FOIA request 

Hi Michael,

We've been trying to contact someone at the White House Counsel's Office since the administration change but we have not been able to speak to anyone that would be responsible for the consult as yet. We will continue to call regularly to see if we can get a live body. We are eager to wrap this up too.

You should know that we have another set of documents to give you. We'll probably be mailing it by the end of the week.

I hope this helps and I will let you know if we hear anything else.

Take care,
Nicole

Nicole J. St. Louis
Assistant General Counsel for Administrative Law
Phone: (202) 694-1342
Fax: (202) 208-0505



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Michael R. Dezsi, Esquire
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

DEC 31 2008

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

Thank you for agreeing to extend the FEC's period for responding to your Freedom of Information Act (FOIA) Request No. 2009-06 until December 31, 2008. As I stated in my previous letters to you dated December 3, 2008 and December 17, 2008, the FEC has been consulting with the White House about some potentially responsive documents to your FOIA request, in accordance with 11 C.F.R. § 4.7(c)(3) and the November 3, 1993 Memorandum from Associate Attorney General Webster Hubbell, (mandating consultation with White House counsel's office when a FOIA search yields records originating from White House Office personnel).

Unfortunately, given the large number of documents and the intervening holidays, the FEC has not yet completed its consultation with the White House about those documents.

As we have done in our prior letters to you, we are providing you with additional documents that are responsive to your request. Except for email addresses and names of private individuals not associated with the White House or the FEC, the attached documents are otherwise nonexempt. Please note, however, that portions of the documents have been redacted until White House consultation has been completed on those portions. See attached. The remaining responsive FEC records will be sent to you shortly under separate cover after we have segregated out the exempt portions and those portions that are still awaiting White House consultation. Once our consultation with the White House is complete, we will make a final determination about those redacted portions that originated with White House Office personnel.

Thank you for your continued cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Judy S. McLaughlin".

Judy S. McLaughlin
FOIA Requester Service Center

Attachments

NOTICE: This communication and attachments may contain privileged and/or confidential information intended only for use of the addressee(s). If this email has been received in error, please notify the sender immediately by telephone at (202) 694-1650 or by reply email, and delete the message without copying or disclosing its contents.

Michael Dezsi <m.dezsi@fiegerlaw.com>



Michael Dezsi
<m.dezsi@fiegerlaw.com>
01/27/2009 11:08 AM

To ""Nstlouis@fec.gov"" <Nstlouis@fec.gov>
cc

Subject FOIA request

Hi Nicole,

It is my understanding that we agreed to extend the FEC's response to my FOIA request until December 31, 2008. At that time, the FEC indicated that it had not completed its search and was waiting for consultation from the White House. I believe you followed up with a phone call indicating that the FEC was still waiting for the White House to complete its review of the documents and my FOIA request. I'm inquiring as to whether there has been any further decision by the White House as to the documents in question. Thank you kindly for your attention to this matter.

Best,

mrd

Michael R. Dezsi
Fieger, Fieger, Kenney & Johnson PC
19390 West Ten Mile Rd
Southfield, Michigan 48075
(248) 355-5555 - phone
(248) 355-5148 - fax

----- Forwarded by Nicole St Louis Matthis/FEC/US on 08/19/2009 01:24 PM -----

Nicole J St Louis/FEC/US
01/28/2009 05:00 PM

To Michael Dezsi <m.dezsi@fiegerlaw.com>
cc

Subject RE: FOIA request 

I think you're right. At least that's the impression I'm getting.

Nicole J. St. Louis
Assistant General Counsel for Administrative Law
Phone: (202) 694-1342
Fax: (202) 208-0505

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Michael Dezsi <m.dezsi@fiegerlaw.com>



Michael Dezsi
<m.dezsi@fiegerlaw.com>

01/28/2009 04:59 PM

To "NStLouis@fec.gov" <NStLouis@fec.gov>

cc

Subject RE: FOIA request

They probably have no idea who is going to handle this. Maybe they have to see who draws the shortest straw, or something!

Thx,

mrd

From: NStLouis@fec.gov [mailto:NStLouis@fec.gov]

Sent: Wednesday, January 28, 2009 4:53 PM

To: Michael Dezsi

Cc: FOIA@fec.gov

Subject: Re: FOIA request

Hi Michael,

We've been trying to contact someone at the White House Counsel's Office since the administration change but we have not been able to speak to anyone that would be responsible for the consult as yet. We will continue to call regularly to see if we can get a live body. We are eager to wrap this up too.

You should know that we have another set of documents to give you. We'll probably be mailing it by the end of the week.

I hope this helps and I will let you know if we hear anything else.

Take care,

Nicole

Nicole J. St. Louis
Assistant General Counsel for Administrative Law
Phone: (202) 694-1342
Fax: (202) 208-0505

NOTICE: This communication and attachments may contain privileged and/or confidential information

intended only for use of the addressee(s). If this email has been received in error, please notify the sender immediately by telephone at (202) 694-1650 or by reply email, and delete the message without copying or disclosing its contents.

Michael Dezsi <m.dezsi@fiegerlaw.com>

To: "Nstlouis@fec.gov" <Nstlouis@fec.gov>

01/27/2009 11:08 AM

cc
Subject: FOIA request

Hi Nicole,

It is my understanding that we agreed to extend the FEC's response to my FOIA request until December 31, 2008. At that time, the FEC indicated that it had not completed its search and was waiting for consultation from the White House. I believe you followed up with a phone call indicating that the FEC was still waiting for the White House to complete its review of the documents and my FOIA request. I'm inquiring as to whether there has been any further decision by the White House as to the documents in question. Thank you kindly for your attention to this matter.

Best,

mrd

Michael R. Dezsi
Fieger, Fieger, Kenney & Johnson PC
19390 West Ten Mile Rd
Southfield, Michigan 48075
(248) 355-5555 - phone
(248) 355-5148 - fax



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 2009

ELECTRONIC & U.S. MAIL

Michael R. Dezsi, Esq.
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

Enclosed please find additional documents responsive to the above-referenced FOIA request. The enclosed consists of an email chain containing a message from Michael Toner to Sara Taylor, whom we believe to have been at the time on the White House staff, and RNC General Counsel Thomas Josefiak. This message forwards an email from Christina Van Brakle, at the time FEC congressional affairs officer, that in turn forwards a message from the Office of Management and Budget attaching and seeking comment on proposals by the Department of Justice for legislative amendments to the Federal Election Campaign Act. We have been in consultation with the Department of Justice and the Office of Management and Budget regarding whether they would ask the Commission to withhold the documents pursuant to FOIA Exemption 5 as subject to the deliberative process privilege. We are happy to report that we learned yesterday that they will not so ask. Accordingly, we are providing the documents with this letter.

As you are aware, many other records responsive to this request have been forwarded to the White House for consultation. We have repeatedly made good faith efforts to retrieve information regarding the status of our consultation with the White House, and will continue to do so. Short of the resolution of the consultation, we have one additional batch of responsive FEC records that we are able to release during the pendency of the White House consultation, and hope to provide those records to you by the end of this week.

Mr. Dezsi – Page 2

Because a large number of documents are still pending the resolution of our consultation with the White House, we are unable to provide you with a final agency decision for this request at this time.

If you have any questions, please contact the FOIA Service Center at FOIA@fec.gov, or (202) 694-1650. Thank you for contacting the FEC.

Sincerely,



Eyana J. Smith
FOIA Service Center



FOIA
Sent by: Eyana J
Smith/FEC/US

04/01/2009 10:20 AM

To m.dezsi@fiegerlaw.com

cc Nicole J St Louis/FEC/US@FEC, Eyana J
Smith/FEC/US@FEC

bcc

Subject: FOIA Request 2009-06

Dear Mr. Dezsi:

Please find attached the Federal Election Commission's interim response to the above-referenced Freedom of Information Act (FOIA) request, along with responsive documents.

Eyana Smith
FOIA Service Center



MT CVB Email (to Requester).pdf Interim Response Letter 4.1.09.pdf



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 2009

VIA CERTIFIED MAIL RETURN RECEIPT

Michael R. Dezsi, Esq.
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

Enclosed please find the remaining Federal Election Commission ("FEC") generated agency records responsive to the above-referenced FOIA request. These documents constitute responsive emails between FEC employees and White House officials; any FEC-generated emails have been provided subject to applicable FOIA exemptions. Internal email addresses and phone numbers of Federal Government employees in both this disclosure and in prior disclosures should be treated as exempt under 5 U.S.C. § 552(b)(2), not 5 U.S.C. § 552(b)(6). Any emails generated by the White House have been sent to that agency for consultation, and have been marked as such.

As you are aware, a number of responsive White House records have been forwarded to that agency for consultation. Because these records were generated by the White House, and therefore are not FEC records, we unfortunately cannot release them without first consulting with the White House. We have been in contact with the White House numerous times over the past few months regarding this consult, and will continue to do so. Regrettably at this time the White House has not made a determination regarding these records. Thus because these documents are still pending consultation, we are unable to provide you with a final agency decision for this request at this time.

If you have any questions, please contact the FOIA Service Center at FOIA@fec.gov, or (202) 694-1650. Thank you for contacting the FEC.

Sincerely,

A handwritten signature in black ink, appearing to read "Eyana J. Smith". The signature is fluid and cursive, with the first name being the most prominent.

Eyana J. Smith
FOIA Service Center



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2009

VIA CERTIFIED MAIL RETURN RECEIPT

Michael R. Dezsi, Esq.
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

This is in response to your request for information under the Freedom of Information Act (FOIA) dated October 27, 2008 and received by the Federal Election Commission's (FEC or Commission) FOIA Requester Service Center on November 3, 2008. Specifically you requested:

Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House Officials, employees or agents, including former White House Counsel Harriet Miers, or their agents and/or assistants, including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President.

In your email dated November 7, 2008 to Nicole St. Louis, the FEC's FOIA Public Liaison, you narrowed the scope of your request to exclude "any and all documents sent from the FEC to the Office of Management and Budget."

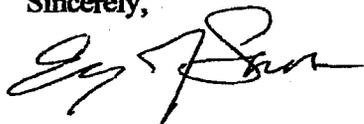
On December 3, 2008, December 17, 2008, December 31, 2008, April 1, 2009, and April 29, 2009 we released to you responsive agency records in the Commission's possession, including records from the Department of Justice and the Office of Management and Budget. We also explained to you that a final agency decision on this matter would be provided upon conclusion of our consultation with the White House regarding that agency's responsive records.

Dezsi, Page 2

We have concluded our consultation with the White House and are issuing this letter as a final agency decision in this matter. In the absence of any objection from the White House, we are releasing to you the White House generated portions of records previously provided to you. Enclosed please find records responsive to your request. We have redacted information related to the FEC's internal agency processes and procedures and that is trivial in nature, and therefore is exempt under FOIA Exemption 2. 5 U.S.C. § 552(b)(2). We have also withheld/redacted, in whole or in part, records containing information which, if disclosed, could result in an unwarranted invasion of personal privacy, and therefore is exempt under FOIA Exemption 6. 5 U.S.C. § 552(b)(6). We have also determined to release as a discretionary matter certain additional records not previously provided that are in themselves trivial in nature.

If you have any questions, please contact the FOIA Service Center at FOIA@fec.gov, or (202) 694-1650. Thank you for contacting the FEC.

Sincerely,

A handwritten signature in black ink, appearing to read "Eyana J. Smith".

Eyana J. Smith
FOIA Service Center



Eyana J Smith/FEC/US
08/19/2009 01:23 PM

To Greg Mueller/FEC/US@FEC
cc Nicole St Louis Matthis/FEC/US@FEC, Sally
Bacon/FEC/US@FEC
bcc

Subject Fw: FOIA Request 2009-06 (Volume 2)

Eyana J. Smith, Attorney
OGC/GLA - Administrative Law
Federal Election Commission
(202) 694-1573 (p)
(202) 208-0505 (f)

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— Forwarded by Eyana J Smith/FEC/US on 08/19/2009 01:22 PM —



FOIA
Sent by: Eyana J
Smith/FEC/US
06/11/2009 08:44 PM

To Michael Dezsi <m.dezsi@fiegerlaw.com>
cc
Subject FOIA Request 2009-06 (Volume 2)

Dear Mr. Dezsi,

Per my previous email, please find attached Volume 2 of the responsive documents in FOIA Request 2009-06. Thank you.

Eyana Smith
FEC FOIA Service Center

Volume 2:

   
File 8.pdf File 5.pdf File 6.pdf File 7.pdf



Eyana J Smith/FEC/US
08/19/2009 01:22 PM

To Greg Mueller/FEC/US@FEC
cc Nicole St Louis Matthis/FEC/US@FEC, Sally
Bacon/FEC/US@FEC
bcc

Subject Fw: FOIA Request 2009-06

Emails to Dezsi from me more to follow...

Eyana J. Smith, Attorney
OGC/GLA - Administrative Law
Federal Election Commission
(202) 694-1573 (p)
(202) 208-0505 (f)

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----- Forwarded by Eyana J Smith/FEC/US on 08/19/2009 01:22 PM -----



FOIA
Sent by: Eyana J
Smith/FEC/US
06/12/2009 05:38 PM

To Michael Dezsi <m.dezsi@fiegerlaw.com>
cc
Subject FOIA Request 2009-06

Dear Mr. Dezsi:

Please find one file of responsive documents to FOIA Request 2009-06 inadvertently not attached to yesterday's email. Hardcopies will follow.

Eyana Smith
FOIA Service Center



File 9.pdf

FILE COPY ↗



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 2009

VIA CERTIFIED MAIL RETURN RECEIPT

Michael R. Dezsi, Esq.
Fieger, Fieger, Kenney, Johnson & Giroux, P.C.
19390 West Ten Mile Road
Southfield, MI 48075-2463

Re: FOIA Request No. 2009-06

Dear Mr. Dezsi:

Please find enclosed a hardcopy of the responsive documents provided to you via email on June 12, 2009 (i.e. attachment "File 9"). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Eyana J. Smith".

Eyana J. Smith
FOIA Service Center

EXHIBIT C

Exhibit A

19390 WEST TEN MILE ROAD • SOUTHWFIELD, MICHIGAN 48075-2463 • TELEPHONE (248) 355-5555 • FAX (248) 355-5148
FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX • A PROFESSIONAL CORPORATION • ATTORNEYS AND COUNSELORS AT LAW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACK and RENEE BEAM,

Plaintiffs,

Civil Action No. 07-cv-1227
Honorable Rebecca R. Pallmeyer

vs.

FEDERAL ELECTION COMMISSION CHAIRMAN
DONALD F. McGAHN, II,
In his official capacity,

Defendant.

PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT FEDERAL ELECTION COMMISSION

By and through counsel, and pursuant to the provisions of Fed.R.Civ.P. 34, Plaintiffs Jack and Renee Beam submit the following Request for Production of Documents to Defendant Federal Election Commission, to be answered in writing, separately and under oath, within thirty (30) days of the date of service upon you.

The information sought must be given whether secured by you, your agent, your representative, your attorney or any other person who has made this knowledge known to you, or from whom this information may be obtained by you, and who is competent to testify as to the facts stated.

These requests for production shall be deemed continuing and supplemental answers thereto shall be required immediately upon receipt thereof, should Defendant obtain further or different information from the time the answers are served to the time of trial.

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX • A PROFESSIONAL CORPORATION • ATTORNEYS AND COUNSELORS AT LAW • 1990 WEST TEN MILE ROAD • SOUTHFIELD, MICHIGAN 48075-2463 • TELEPHONE (248) 355-5555 • FAX (248) 355-5148

REQUEST NO. 1: Produce any and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, between officials, agents, and/or employees of the FEC and officials, agents, and/or employees of the DOJ relating to possible violations of the Federal Election Campaign Act by Jack and/or Renee Beam. **RESPONSE:**

REQUEST NO. 2: Produce any and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, between officials, agents, and/or employees of the FEC and officials, agents, and/or employees of the DOJ relating to possible violations of the Federal Election Campaign Act by the law firm of Fieger, Fieger, Kenney & Johnson, including its partners, employees, contractors, associates, and their children and spouses.

RESPONSE:

REQUEST NO. 3: Produce any and all financial records, from whatever source obtained, for Jack and/or Renee Beam, dated from January 2001 through the present, in the possession of the FEC.

RESPONSE:

REQUEST NO. 4: Produce any and all financial records, from whatever source obtained, for the law firm of Fieger, Fieger, Kenney & Johnson, dated from January 2001 through the present, in the possession of the FEC.

FIEGIER, FIEGIER, KENNEY, JOHNSON & GIROUX • A PROFESSIONAL CORPORATION • ATTORNEYS AND COUNSELORS AT LAW • 19390 WEST TEN MILE ROAD • SOUTHFIELD, MICHIGAN 48075-2463 • TELEPHONE (248) 355-5555 • FAX (248) 355-5148

RESPONSE:

REQUEST NO. 5: Produce any and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, between (to/from) FEC officials, employees, or agents including former FEC Chairman Michael E. Toner and White House officials, employees or agents including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President, relating in any way to the Federal Election Campaign Act.

RESPONSE:

REQUEST NO. 6: Produce any and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, relating to the Federal Election Commission's decision to notify Jack and/or Renee Beam that the FEC had "reason to believe" that they violated 2 U.S.C. § 441f.

RESPONSE:

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX • A PROFESSIONAL CORPORATION • ATTORNEYS AND COUNSELORS AT LAW • 19390 WEST TEN MILE ROAD • SOUTHFIELD, MICHIGAN 48075-2465 • TELEPHONE (248) 355-5555 • FAX (248) 355-5148

REQUEST NO. 7: Produce any and all documents of any kind, including but not limited to memoranda, correspondence and e-mails, dated from January 2001 through the present, between officials, agents, and/or employees of the FEC and officials, agents, and/or employees of the DOJ relating to possible violations of the Federal Election Campaign Act by Jack and/or Renee Beam.

RESPONSE:

Respectfully submitted,

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX, P.C.



MICHAEL R. DEZSI
Attorney for Plaintiffs
19390 W. Ten Mile Road
Southfield, MI 48075
(248) 355-5555

Dated: November 4, 2008

FIGER, FIGER, KENNEY, JOHNSON & GIROUX • A PROFESSIONAL CORPORATION • ATTORNEYS AND COUNSELORS AT LAW • 19390 WEST TEN MILE ROAD • SOUTHFIELD, MICHIGAN 48075-2463 • TELEPHONE (248) 355-5555 • FAX (248) 355-5148

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACK and RENEE BEAM,

Plaintiffs,

Civil Action No. 07-cv-1227
Honorable Rebecca R.

Pallmeyer
vs.

ALBERTO R. GONZALES, UNITED
STATES ATTORNEY GENERAL, AND
ROBERT LENHARD, FEDERAL ELECTION
COMMISSION CHAIRMAN,
In their official capacities,

Defendants.

CERTIFICATE OF SERVICE

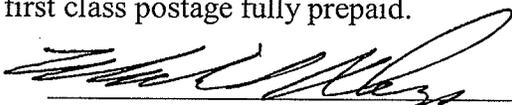
Michael R. Dezsi hereby certifies that on the 4th day of November, 2008 he caused to be served *Plaintiffs' Request for Production of Documents to Defendant Federal Election Commission* upon:

Eric J. Beane
U.S. Department of Justice
20 Massachusetts Avenue, NW
Room 7124
Washington, D.C. 20530

Linda A. Wawzenski
United States Attorney's Office (NDIL)
219 south Dearborn Street, Suite 500
Chicago, IL 60604

Benjamin A. Streeter, III
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

by placing same in the U.S. Mail, first class postage fully prepaid.


MICHAEL R. DEZSI

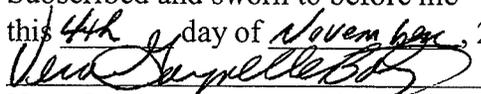
Subscribed and sworn to before me
this 4th day of November, 2008

Vera G. Botz, Notary Public
Wayne County, Michigan
Acting in Oakland County, MI
My Commission Expires: 04-28-14

EXHIBIT D

United States District Court, Northern District of Illinois

| | | | |
|--|--|--|----------|
| Name of Assigned Judge or Magistrate Judge | Rebecca R. Pallmeyer <i>RRP</i> | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 07 C 1227 | DATE | 7/7/2009 |
| CASE TITLE | Jack Beam, et al vs. Michael B. Mukasey, et al | | |

DOCKET ENTRY TEXT

Plaintiff's motion to compel production and for *in camera* inspection [130] is, denied in part and granted in part. (For further details see minute order.)

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

This court has reviewed the documents submitted by the Federal Election Commission ("FEC"). At a court hearing on May 28, 2009, the court directed counsel for the FEC to clarify comments made in a November 17, 2006 letter from Audra Wassom of the FEC to Kendall Day, an attorney with the Department of Justice. Benjamin Streeter, counsel for the FEC, responded to the court's direction in a letter, explaining that Ms. Wassom's correspondence confirmed the FEC's commitment to maintaining the confidentiality of certain documents DOJ had provided. Mr. Streeter's letter observed further that all of the documents to which Ms. Wassom referred are already in the hands of Plaintiff's counsel, who served as defense counsel in a related criminal proceeding.

Having completed an *in camera* review of these documents, as well as those produced earlier, the court finds no evidence of any shared financial data. The court sustains the FEC's "attorney work product" and "law enforcement privilege" objection to production of the documents. Plaintiff's motion to compel production and for *in camera* inspection [130] is, thus, denied in part and granted in part.



EXHIBIT E

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

19390 WEST TEN MILE ROAD

SOUTHFIELD, MICHIGAN 48075-2463

TELEPHONE (248) 355-5555

FAX (248) 355-5148

WEBSITE: www.fiegerlaw.com

E-MAIL: info@fiegerlaw.com

DIRECT DIAL (248) 355-3911

E-MAIL: m.dezsi@fiegerlaw.com

MICHAEL R. DEZSI

November 19, 2008

Greg J. Mueller, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: *Fieger v. Federal Election Commission*
U. S. District Court (E.D.) Case No. 08-14125
Our File No. 3959.280

Dear Mr. Mueller,

I wanted to bring to your attention a couple of matters relating to the Freedom of Information case of *Fieger v. Federal Election Commission*. In the Commission's answer to the complaint, it raises the issue that I requested the documents under FOIA and not Mr. Fieger and thus Mr. Fieger could not bring suit under FOIA. Please be advised that I represent Mr. Fieger in this matter and was representing him in a legal capacity at the time of the FOIA requests. As I'm sure you are aware, attorneys routinely request documents from governmental agencies on behalf of their clients and later file suit if necessary. This case is no different.

Also, in response to our FOIA request dated July 3, 2008, the Commission advised me via letter dated September 30, 2008, that it "did not find any responsive documents pertaining to communications between FEC officials and White House officials about enforcement of federal criminal statutes, including the Federal Election Campaign Act. I have information however, that the Commission's response is not exactly accurate. Perhaps the Commission was interpreting verbatim our FOIA request.

Accordingly, we sent a more recent FOIA request dated October 27, 2008, that was broader in scope than our previous FOIA request dated July 3, 2008. I've enclosed the more recent request. As you will see, I have clarified that we were seeking any and all documents between FEC officials, including former FEC Chairman Michael Toner, and White House officials including Karl Rove.

Greg J. Mueller, Esq.
Federal Election Commission
November 19, 2008
Page 2

As I previously indicated, I have information that such communications do indeed exist. If the Commission fails to timely respond to my more recent FOIA request, I will supplement *Fieger v. Federal Election Commission* to include our more recent FOIA request and request that the Court allow discovery as to these documents. *See Jones v. Federal Bureau of Investigation*, 41 F.3d 238 (6th Cir. 1994)(indicating that discovery in a FOIA case may be appropriate upon a showing of bad faith).

Moreover, in its response dated September 30, 2008 response to our FOIA request, the Commission claimed certain documents were “exempt from disclosure based on Exemptions 2, 3, 5, 6, 7C, and 7A of FOIA.”

As to the Commission’s concern regarding exemption under 5 U.S.C. § 552(b)(3), please be advised that I represent Mr. Fieger, the Fieger law firm, and numerous employees and family members of the Fieger firm. I have submitted to the Federal Election Commission my clients’ written Designation of Counsel forms. Accordingly, please accept this letter as my clients’ written consent to release to me those responsive documents that have been withheld under 2 U.S.C. § 437g(a)(12)(A). And because my clients have consented to disclosure of such responsive documents, the Commission cannot rely on Exemptions 6 and 7 to withhold documents. *See Jones*, 41 F.3d at 247 (“Exemption 7(C) leaves the decision about publicity – whether and how much to reveal about herself – in the power of the individual whose privacy is at stake.”).

As to the Commission’s other claimed exemptions, I kindly request that the Commission prepare and provide a “Vaughn” index so as to expedite our disputes arising from the remainder of the Commission’s claimed exemptions.

Also, I understand that the Commission located certain documents that were then sent to the Justice Department for their determination of whether to release the documents. Today, I received a response from the Justice Department indicating that they were withholding about 75 documents, most of which are e-mail correspondences between the DOJ and the FEC. Amusingly, the only documents disclosed by the Justice Department were a copy of the jury instructions from the Fieger criminal case, which of course I have because I wrote many of them during the Fieger trial. Because the withheld documents are e-mails which are still within the possession of the FEC, I intend to litigate the withholding of these documents in *Fieger v. Federal Election Commission*.

Greg J. Mueller, Esq.
Federal Election Commission
November 19, 2008
Page 3

Please do not hesitate to contact me if you have any questions. Thank you kindly for your attention to this matter and I look forward to your response.

Very truly yours,

FIEGER, FIEGER, KENNEY, JOHNSON
& GIROUX, P.C.

A handwritten signature in black ink, appearing to read "Michael R. Dezsi", is written over the typed name. The signature is fluid and cursive.

Michael R. Dezsi

MRD/vgb
Enclosure

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
19390 WEST TEN MILE ROAD
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DIRECT DIAL (248) 355-3911

E-MAIL: m.dezsi@fiiegerlaw.com

MICHAEL R. DEZSI

October 27, 2008

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Federal Election Commission
Attn: Candace J. Salley
Room 408
999 E. Street, N.W.
Washington, D.C. 20463

Re: FOIA Request

Dear Ms. Salley:

Pursuant to the Freedom of Information Act, I am hereby requesting the following:

1. Any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President.

I look forward to your prompt response consistent with the requirements of the Freedom of Information Act. Please do not hesitate to contact me with any questions. Thank you for your kind attention to this matter.

Very truly yours,

FIEGER, FIEGER, KENNEY, JOHNSON
& GIROUX, PC



Michael R. Dezsi

MRD/vgb

EXHIBIT F

FILE COPY
FILE

MAR 26 1999

NANCY MAYER WHITING
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EDWARD and CYNTHIA BRICKER,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

Civ. Action 97-2742 (RCL)

MEMORANDUM OPINION

This matter comes before the Court on defendant Federal Bureau of Investigation's (FBI) motion to dismiss or, in the alternative, for summary judgment. Upon consideration of the motion, plaintiffs' opposition thereto, the oral argument of counsel, and the entire record in this case, the defendant's motion will be GRANTED and summary judgment will be entered against the plaintiffs.

I. FACTS

Plaintiff Edward Bricker was employed from 1983 until 1991 as a Nuclear Operator at the Hanford Reservation, a government-owned, contractor-operated nuclear site. While employed at Hanford, Bricker observed and reported numerous safety hazards in the handling and storage of nuclear materials to the management of the Department of Energy (DOE) and the contractors operating the site. Bricker's reports were not acted on; instead, he claims that he was harassed and retaliated against for his disclosures.

Handwritten initials "NB" in the bottom left corner.

Handwritten number "36" in the bottom right corner.

In 1986, Bricker began to provide information covertly to a congressional investigator working for the House Committee on Energy and Commerce, and to a senatorial staff member. At their direction, Bricker began to investigate safety threats at Hanford. As a result of his investigations, numerous safety problems were discovered.

At some time, Bricker's undercover work for the Congress was leaked to the management of the DOE and its contractors. As a result, Bricker alleges that he was subjected to continued and increased retaliation, including the wiretapping of his home phone and the receipt of threatening phone calls.

In 1988, Bricker filed an administrative complaint with the DOE seeking redress for the alleged retaliation against him for disclosing safety problems at Hanford. During that litigation, it was revealed that the DOE and at least one of the Hanford contractors had acquired wiretapping equipment, that the Security Office at the Hanford site was monitoring Bricker pursuant to a plan referred to as "Special Item--Mole," and that the Security Office was recruiting Bricker's co-workers to help retaliate against him. The case received a significant amount of national media attention, and it may even have led to reforms in the whistleblower protection laws. After seven years of litigation, the administrative proceedings were settled in 1995 for \$200,000.

On May 10, 1995, believing that other government agencies may have cooperated with the DOE in the surveillance of Bricker (and of his wife, because the surveillance included at least

audio monitoring of home phone lines), plaintiffs submitted a request to the FBI pursuant to the Privacy Act and the FOIA. The request included three categories of information: (1) any and all FBI files on either Edward or Cynthia Bricker; (2) any information on possible contracts between the FBI, DOE, Washington State patrol or other police and security agencies, and contractors, relating to Hanford; and (3) information relating to possible training exercises at or near the Hanford site near Richland, Washington.

The FBI responded with a letter dated June 23, 1995, which notified the Brickers that the FBI had identified approximately 370 documents which appeared to be responsive to their FOIA request. The letter informed the Brickers that duplication costs were estimated to be about twenty-seven dollars, and requested that the Brickers indicate in writing their willingness to pay the duplication costs. On June 30, 1995, the Brickers responded by letter, authorizing up to fifty dollars' worth of duplication.

Receiving no further response from the FBI, the Brickers enlisted the aid of their Senator, Slade Gorton, who wrote to the FBI on their behalf to inquire into the status of their requests. The FBI responded to Senator Gorton's inquiry in a January 17, 1996 letter which explained that its response to plaintiffs' request was delayed due to an administrative backlog of FOIA requests. On February 9, 1996, the Brickers again wrote to Senator Gorton, requesting him to demand expedited processing of their request from the FBI; the Senator forwarded the request to

the FBI. The FBI responded to Senator Gorton in a March 27, 1996 letter, in which it fully explained that the backlog in the processing of FOIA requests was due primarily to budget concerns, and that the agency would continue to process requests in chronological order based on the date of receipt.

Almost a year later (and nearly two years after the request was submitted), in a February 1997 letter, the FBI informed the plaintiffs that their request was still pending, that they could expect further delay, and that the request would be administratively closed unless they responded within thirty days. The Brickers responded on February 20, 1997 that they were indeed still interested in pursuing their request.

Finally, on November 19, 1997, still having received no documents from the FBI, the Brickers filed this lawsuit to enforce their rights under the FOIA and the Privacy Act. Plaintiffs moved the Court to order the FBI to produce a Vaughn index, and the FBI filed a motion for an Open America stay. The Court granted the plaintiffs' motion for a Vaughn index and denied the FBI's motion for a stay on April 8, 1998.

Then on May 8, 1998, the FBI filed its motion to dismiss or, in the alternative, for summary judgment, which is currently before the Court. The Court held a hearing on October 16, 1998, at which counsel provided oral argument, answered the Court's questions, and clarified several ambiguities still unclear from the briefs. The Court will now grant the FBI's motion, and

summary judgment will be entered against the plaintiffs.

II. DISCUSSION

In a Statement of Issues filed with their opposition to the FBI's motion, the plaintiffs identify three questions that they believe present genuine issues of material fact, and which therefore, they argue, preclude an entry of summary judgment. First, the plaintiffs contend that there is a genuine issue as to whether the FBI's search was reasonable, particularly whether the FBI searched for documents responsive to all three parts of plaintiffs' request. Second, they question whether the FBI has produced or indexed all documents "originally identified as responsive." Finally, the plaintiffs contend that the FBI improperly redacted certain information pursuant to FOIA Exemptions 6 and 7(C).

A. Reasonableness of the Agency's Search

Plaintiffs' first contention is essentially that the FBI failed to reasonably search for information responsive to the second and third parts of the plaintiffs' request--those parts requesting (1) information on any contracts between the FBI, the DOE, and Washington State police or others relating to Hanford; and (2) information relating to any FBI training activities that might have been conducted at or around Hanford. Plaintiffs concede that the FBI's search for information responsive to the first part of their request--for information on either of the

Brickers--was adequate, and that part of the search is not challenged.

The Brickers base their challenge to the reasonableness of the search for contract or training information on the FBI's own description of its search process, particularly as set forth in the May 4, 1998 declaration of Sherry L. Davis. According to that declaration, the FBI conducted a thorough search of its Central Records System and Automated Case Support, the latter of which includes the Investigative Case Management, Electronic Case File, and Universal Index systems. As plaintiffs point out, these various systems are all related to the FBI's law enforcement duties; consequently, they are clearly appropriate systems in which to search for files on the Brickers individually, but it is not apparent that they would contain whatever files might exist that relate to contracts or FBI training.

In its reply brief, at oral argument, and in a supplemental affidavit submitted pursuant to the Court's request, the defendant has adequately clarified the extent of the agency's search. The Court will briefly address, first, the search for contract information and, second, the search for training information.

Attached to the defendant's reply brief is a July 16, 1998 declaration by Scott Hodes. That declaration states that the FBI manually searched the records of its Contracts Unit at FBI headquarters for information responsive to plaintiffs' request.

See 6/16/98 Hodes Decl. at 5. In addition, a search was made of the Seattle office's Central Records System for file records concerning "Hanford nuclear." Although several files were found and reviewed, no information concerning FBI-DOE contracts were located. See id. at 4. The Court finds that this search was reasonable. The plaintiffs' request provided the FBI with no specific information about possible contracts beyond the fact that they may have been with the DOE, the Washington State Police, or other security agencies and that they somehow related to Hanford. Based on that information, the FBI searched those files where responsive information would likely be located. Such a search is adequate under the FOIA.

Second, the FBI's search for information relating to "joint training" was also adequate. As an exercise of discretion,¹ the FBI conducted a two-part search for training materials responsive to the Brickers' request. The Seattle Central Records System was searched for files relating to "Hanford nuclear," but no responsive information was located. See id. at 5. It is now clear that the search of the Seattle records system included any information that may have been generated by the Richland office, because all Richland records are indexed to and eventually stored in the Seattle Central Records System. See 10/21/98 Hodes Decl.

¹The FBI maintains that it has no duty to search for information related to possible training operations at or near Hanford, because the Brickers did not provide adequate information to allow a search with "reasonable effort." See Truitt v. Department of State, 897 F.2d 540, 544 (D.C. Cir. 1990). The Court does not reach this issue, because it finds the search actually performed to be adequate.

at 2. The FBI also contacted its Training Academy in Quantico, Virginia, in an effort to find responsive information, but without success. See id. The Court is satisfied that this search was reasonably calculated to locate all responsive documents.

With respect to the search for training information, the plaintiffs have referred to congressional testimony by a representative from the Office of Inspector General of the DOE in August of 1991. It is not entirely clear when this testimony was first referred to by the plaintiffs, although it appears that no precise date was given until the hearing before this Court. Because the specifics were so late in coming, this potential "lead" cannot render the FBI's inadequate. The FOIA does not require the agency to locate every existing piece of information responsive to a request, but rather to conduct a search reasonably calculated to locate all responsive information (the two are obviously different). See, e.g., Safecard Servs., Inc. v. SEC, 926 F.2d 1197, 1201 (D.C. Cir. 1991). The FBI's search in this case, based on the information provided to the agency, was adequately geared toward locating responsive information, and thus will be upheld by the Court. The plaintiffs' only forceful counter to the reasonableness of the FBI's search was the charge that the search did not include the Richland office, an assertion which has now been demonstrated to be in error.

Therefore, the Court finds that the FBI conducted a reasonable and adequate search for information responsive to the

Brickers' FOIA request.

B. Discrepancies in the Agency's Page Counts

The plaintiffs' second general contention is that the FBI has not accounted for, by release or indexing, all of the pages of documents originally designated as responsive to plaintiffs' request. This issue has been a matter of confusion which the briefs have served less to alleviate than to exacerbate.

The FBI's initial response to the Brickers in June of 1995 notified them that the FBI had found approximately 370 pages of responsive documents. The number 370 was clearly identified as an estimation, and the Court finds no reason for suspicion in the FBI's assertion that the actual number of documents was less than 370.²

The real confusion deals with the number of pages of responsive information actually found. The May 4, 1998 Davis Declaration attached to defendant's motion sets the total number of pages at 352, 17 of which were duplicates. Of those 335 pages, the declaration states that 39 were processed by the FBI and 296 were referred to the DOE for processing. See 5/4/98 Davis Decl. at 6-7. The July 16, 1998 Hodes Declaration, filed with defendant's reply brief, however, sets the total number of

²The Court does question, though, the soundness of the agency's practice of intentionally overestimating the number of pages responsive to a FOIA request; such a practice is bound to create suspicion among FOIA requesters, and the time saved by estimating rather than simply counting the number of pages seems insignificant. In any event, this is a matter wholly up to each agency.

pages found at 351,³ and the number referred to the DOE at 334. At oral argument, counsel for the FBI was able to clear up this discrepancy, and the Court is satisfied that the actual number of pages found was 351, 295 of which were referred to the DOE for processing. Of the remaining 56 pages, 17 were duplicate pages, and 39 were released by the FBI to the plaintiffs (some with redactions). Thus, all of the pages of responsive material located by the FBI are accounted for in the FBI's affidavits.

Plaintiffs further contend, however, that the DOE has not accounted for the entire 295 pages of documents referred to it by the FBI. The Brickers acknowledge receipt of 249 pages in their opposition brief. Another 33 pages were released (with redactions) to the plaintiffs on June 1, 1998. See 7/14/98 Sherman Decl. at 2. Because this left 13 pages of responsive materials unaccounted-for, the FBI and DOE jointly reviewed the documents and discovered that 13 pages had been omitted from the materials referred to the DOE for processing. The 13 pages were then processed and released to the plaintiffs with some redactions on July 17, 1998. Therefore, the FBI has established that, although with much delay, all of the pages initially designated as responsive to plaintiffs' request have been accounted for.

³Despite this, the FBI's reply brief repeated the 352-page total. Subtracting the 17 duplicates, the defendants nevertheless came up with 334 pages of responsive documents. However, 352 minus 17 does not equal 334.

C. FOIA Exemptions 6 and 7(C)

Finally, plaintiffs challenge the FBI's withholding of information pursuant to FOIA Exemptions 6 and 7(C), both of which protect personal privacy interests.⁴ The agencies' Vaughn indices reveal that over one hundred pages were released with redactions of the names, telephone numbers, social security numbers, or similar identifying information of FBI agents, Assistant United States Attorneys, witnesses, sources, and subjects of investigation. Plaintiffs argue that the FBI has not demonstrated that the privacy interests of these individuals outweigh the public interest in disclosure.

The Court of Appeals has addressed FOIA Exemption 7(C)⁵ on several occasions. Notably, in Safecard Services, Inc. v. SEC, 926 F.2d 1197, 1206 (D.C. Cir. 1991), the Court of Appeals held "categorically that, unless access to the names and addresses of private individuals appearing in files within the ambit of Exemption 7(C) is necessary in order to confirm or refute compelling evidence that the agency is engaged in illegal

⁴Exemption 6 protects from disclosure "personnel and medical files and similar files" when disclosure "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). Exemption 7(C), in turn, protects law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of privacy." 5 U.S.C. § 552(b)(7)(C). With regard to both exemptions, the Court's task is to balance the privacy interests at stake against the public's interest in disclosure.

⁵The parties have, for the most part, addressed Exemptions 6 and 7(C) as one, applying the standard announced by the Court of Appeals in its Exemption 7(C) cases. The Court will apply this same analysis.

activity, such information is exempt from disclosure." Because it is evident that the information at issue here falls "within the ambit of Exemption 7(C)" law enforcement information, it is the plaintiffs' burden to demonstrate that the names and identifying information withheld by the FBI are "necessary in order to confirm or refute compelling evidence that the agency is engaged in illegal activity." *Id.*; see Spirko v. USPS, 147 F.3d 992, 998 (D.C. Cir. 1998). Plaintiffs have not met that burden.

The Court declines to find that the evidence of past retaliation against the Brickers (presented in this litigation) rises to the level of "compelling evidence of illegal activity." The Court is sympathetic to the plaintiffs' assertion that it can be very difficult to provide compelling evidence of wrongdoing without access to the very documents being requested. Nevertheless, the Court of Appeals has articulated a clear standard to effectuate the purposes of the personal privacy exemptions under the FOIA, and the Court agrees that it is a functional and necessary standard.

In any event, the Court finds that the names and identifying information withheld by the FBI will not refute or confirm any evidence of misconduct such that the individuals' privacy interests are outweighed. It is certainly conceivable that the plaintiffs could use the names or other identifying information of agents, informants, and subjects of investigation to further inquire into the retaliation against them. However, such inquiry would entail precisely the invasion of personal privacy which

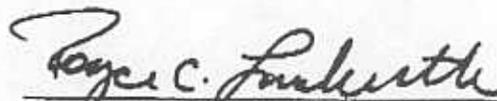
Exemptions 6 and 7(C) are designed to prevent. Contrary to plaintiffs' assertions, the legitimate concern is not merely that the Brickers (through further investigation or otherwise) might "harass" the individuals physically, but that disclosure could lead to embarrassment and serious reputational harm. See, e.g., Safecard Servs., 926 F.2d at 1205. It has also been clearly held that law enforcement agents do not sacrifice their privacy interests by virtue of their public service. See Lesar v. DOJ, 636 F.2d 472, 487 (D.C. Cir. 1980). The personal privacy interests in this case are substantial, and the verification value of the information withheld is relatively inconsequential (except as a starting point for the kinds of invasion that the Exemptions clearly seek to prevent). Therefore, the Court finds that the withholding of documents under Exemptions 6 and 7(C) was appropriate.

III. CONCLUSION

For the reasons set forth above, the Court finds that the defendant is entitled to judgment as a matter of law. The FBI's motion will be granted, and summary judgment will be entered against the plaintiffs.

A separate order will issue this date.

DATE: 3-26-99



Royce C. Lamberth
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EDWARD and CYNTHIA BRICKER,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

Civ. Action 97-2742 (RCL)

FILED

MAR 26 1999

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

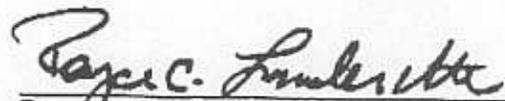
ORDER

Upon consideration of the defendant's motion to dismiss or, in the alternative for summary judgment, plaintiffs' opposition thereto, and the record in this case, and for the reasons set forth in the memorandum opinion issued this date, it is hereby

ORDERED that the defendant's motion is GRANTED and summary judgment is hereby ENTERED against the plaintiffs.

Furthermore, plaintiffs' petition for an interim award of reasonable attorneys' fees and costs is hereby DENIED as moot. Should plaintiffs seek attorneys' fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E), they shall file an appropriate motion within 10 days of this date in accordance with Federal Rule of Civil Procedure 54, oppositions and replies thereto to be filed in accordance with Local Rule 108.

SO ORDERED.



Royce C. Lamberth
United States District Judge

DATE: 3-26-99



37

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

| | | |
|------------------------------|---|----------------------|
| GEOFFREY NELS FIEGER, |) | |
| |) | |
| Plaintiff, |) | Case No. 08-14125 |
| |) | |
| v. |) | Hon. David M. Lawson |
| |) | |
| FEDERAL ELECTION COMMISSION, |) | |
| |) | |
| Defendant. |) | |

DECLARATION OF LAWRENCE L. CALVERT, JR.

I, Lawrence L. Calvert, Jr., do solemnly declare as follows:

1. I am the Associate General Counsel for General Law and Advice of the Federal Election Commission (“Commission” or “FEC”). As a collateral duty of this position, I am the Chief Freedom of Information Act (“FOIA”) Officer of the Commission. I have held this position since February 2007. Prior to serving in this capacity, I was the Deputy Associate General Counsel for Enforcement from 2003 to 2007. Prior to that position, I served as an Acting Assistant General Counsel in the Enforcement Division of the Commission’s Office of General Counsel (“OGC”) on three occasions, one each in 1999, 2000, and 2001. I was employed by the Commission as a Staff Attorney assigned to OGC’s Enforcement Division in 1993.

2. The Commission was established by Congress in 1975 to administer and enforce Federal campaign finance laws, namely the Federal Election Campaign Act (“FECA”), 2 U.S.C. § 431, *et seq.*, the Presidential Election Campaign Fund Act, 26 U.S.C. § 9001 *et seq.* and the Presidential Primary Matching Payment Account Act, 26 U.S.C. § 9031 *et seq.*

3. OGC, through the Administrative Law Team of the General Law and Advice Division ("GLA"), is responsible for the agency's FOIA Program. In addition to administering the agency's FOIA Program, the Administrative Law Team of GLA provides traditional "in-house counsel" services to the entire agency on issues that range from FOIA, the Privacy Act, and other public disclosure of Commission actions, to personnel, labor law and EEO law issues, to fiscal and procurement law issues, among others. As head of the GLA Division, and as the agency's Chief FOIA Officer, I am responsible for general oversight of the agency's FOIA program.

In addition to the Administrative Law Team, the GLA Division contains a Public Finance and Audit Advice Team, which advises offices within the Commission but outside of the Office of General Counsel about substantive issues of campaign finance law. In addition, GLA operates the agency's Ethics in Government Act Program. As another of my collateral duties, I am the Alternate Designated Agency Ethics Official.

4. My direct report, Assistant General Counsel Nicole St. Louis Matthis, is the FEC FOIA Public Liaison and oversees the day-to-day operations of the Commission's FOIA Requester Service Center. The "Service Center" usually means, in practical terms, the Administrative Law Team's disclosure paralegals and its attorneys. Although Ms. Matthis is responsible for day-to-day FOIA operations, I am directly, and indirectly, involved in the Commission's FOIA activities and the implementation of its FOIA policies and procedures. As a result, I have personal knowledge of the substance of the FOIA request at issue in this matter.

5. In the ordinary course of business upon receipt of a FOIA request by the Service Center, a FOIA Intake and Processing form is completed to begin processing. The Service

Center initially determines whether the request should be placed on a “normal,” “expedited” or “extended” track. If it is determined that the request is a perfected FOIA request, the 20th working day is calculated from the date of receipt by the Service Center. The request is then assigned a tracking number. An acknowledgment letter or email is also sent to the requester, letting him/her know that the request was received and providing the request’s tracking number. The FOIA Public Liaison will approve or disapprove the paralegals’ recommended track and assign the FOIA to an Administrative Law Team paralegal or attorney for handling. The assigned team member prepares a search email to be distributed to offices in the Commission which may have responsive records. The determination of which offices will receive the email is based upon the nature of the request. For example, a FOIA request seeking records related to an audit report on a political committee would be sent to the Audit Division for a search of its records. The search email, as well as a list of which offices should receive the email, is reviewed and approved by the Public Liaison and then usually disseminated by the assigned team member.

6. On July 3, 2008, OGC received a FOIA request from Michael R. Dezsi (“Mr. Dezsi”). Mr. Dezsi is an attorney at the Fieger, Fieger, Kenney, Johnson & Giroux law firm (“the Fieger Firm”). Mr. Dezsi is also Plaintiff’s counsel in this matter. The request was numerically designated as FOIA Request 2008-56 (“Request 2008-56”). The FOIA Requester Service Center (“Service Center”) received the request on July 9.

7. Request 2008-56 sought “any and all documents...dated from January 2001 through the present between officials, agents and/or employees of the FEC and officials, agents and/or employees of the Department of Justice relating to possible violations of the Federal Election Campaign Act by [the Fieger Firm], including its partners, employees, contractors, associates, and their children and spouses.” The Request also sought documents “dated from

January 2001 through the present between (to/from) FEC officials, employees or agents, including former FEC Chairman Michael E. Toner, and White House officials, employees, or agents, including former White House Aide Karl Rove and former White House Counsel Harriet Miers, or their agents and/or assistants, relating in any way to enforcement of federal criminal statutes, including, but not limited to, the Federal Election Campaign Act.” Because the scope of the request included information about Mr. Dezsi personally, the request was treated as a FOIA and a Privacy Act request. No documents were recovered that would have been responsive to Mr. Dezsi’s Privacy Act request.

8. A FOIA Intake and Processing form was completed for Request 2008-56. The request was placed on the normal processing track after the staff determined that it was a perfected request. It was subsequently approved for processing by Public Liaison Nicole St. Louis Matthis, and then assigned to Administrative Law staff attorney Judy McLaughlin for handling. On July 17, 2008, Mr. Dezsi received an email from the Service Center acknowledging its receipt of Request 2008-56. The response due date for this request fell on August 6, 2008.

9. On July 18, 2008 an email was sent to Mark Shonkwiler and Audra Wassom of the Office of General Counsel’s Enforcement Division, and to Benjamin Streeter of the Litigation Division. This email stated that the agency had received a FOIA request from Mr. Dezsi, and quoted the contents of the request so that it was clear what records Mr. Dezsi was seeking. The search email was sent to these specific staff members in OGC because they had been involved in enforcement matters possibly related to the Fieger law firm. On July 24, a broader search email was disseminated to managers in the Office of Complaints Examination & Legal Administration; the Audit Division of the Commission’s Office of Compliance; the Enforcement Division; the

Litigation Division; the Office of Administrative Review; the Office of Alternative Dispute Resolution; the Reports Analysis Division (“RAD”) of the Office of Compliance; and the Congressional, Legislative and Intergovernmental Affairs Office seeking responsive documents. This email also instructed divisions not to withhold any documents which they thought may be privileged, or otherwise exempt from disclosure, since exemption reviews would be conducted by the Service Center. The Audit and RAD Divisions, and the Administrative Review and Alternative Dispute Resolution Offices, encompass all of the units within the Office of Compliance. They conduct all enforcement and compliance-related activities not conducted by the Office of General Counsel. Managers in these offices were selected to receive the search email because, outside of OGC’s Enforcement Division, they were the most likely offices to have documents relating to the enforcement of criminal statutes and possible violations of the FECA. Managers in the Enforcement and Litigation Divisions who did not receive the first email were selected to receive the second email for the same reasons. Those divisions, along with the Office of Congressional, Legislative and Intergovernmental Affairs, also represent the staff units within the Commission that might conceivably interact with the White House regarding subject matter within the scope of the request.

On August 8, 2008, an email was sent to the FEC Commissioners and their staff informing them of Mr. Dezsi’s request for documents. This email, like the July 18 email sent to certain staff of the Office of General Counsel’s Enforcement and Litigation Divisions, quoted the contents of the request along with an overview of the types of documents sought.

10. The Service Center’s search email directed the recipients to search their relevant paper and electronic files for material within the scope of the requests. Paper and electronic files at the Commission include the agency’s email system, official paper and electronic files (including

document management databases such as DocsOpen), staff members' working files, and shared network folders.

11. Ms. McLaughlin received documents from the various offices on July 30, August 6, August 8, August 13, and August 15, 2008. Ms. McLaughlin completed the initial review of the documents on August 26. The documents then underwent secondary and third reviews by Ms. Matthis and myself before the agency made its decision. The agency was unable to complete the document review and decision-making processes prior to August 6th, the response due date. Mr. Dezsi did not file an administrative appeal of the Commission's response to Request 2008-56, which advised Mr. Dezsi of his appeal rights.

12. In May and June 2007, the Administrative Law Team had reviewed former Commissioners' email messages, including former Commissioner Toner's email messages, in response to a request by a Congressional committee seeking communications by White House personnel who may have used non-governmental email accounts for official business. For purposes of responding to Request 2008-56, I reviewed the document log that we produced to the House Committee on Government Reform and Oversight in response to that request. On that log, there was an email from former Commissioner Toner to White House employee Sara Taylor (st@gwb.com) and a person outside the government the subject matter of which was listed thereon as "Solicit comments on legislation (forward FEC staff e-mail)." Because nothing about this or any other entry on the log indicated that any of the emails described thereon were related to the enforcement of FECA or any criminal statute, I did not look at any email recorded on this log.

13. Our search emails, plus my review of the log described above, yielded no documents responsive to the second part of Request 2008-56, relating to communications with the White House. Accordingly, during the records review process for Request 2008-56, the Service Center separated potentially responsive documents into three categories: (1) responsive FEC records; (2) responsive records of the Department of Justice (which were subject to referral); and (3) records that did not respond to Mr. Dezsi's request. Responsive FEC records were determined to be communications between the FEC and the Department of Justice that related either to: a) an open FEC enforcement matter, b) DOJ's criminal prosecution of Mr. Fieger and Mr. Ven Johnson, or c) specific lawsuits filed by various Fieger-related plaintiffs against FEC and DOJ seeking declaratory judgments as to the relative enforcement powers of the FEC and DOJ. Any documents that related either to the FEC enforcement matter or the criminal prosecution were considered to be responsive, and were set aside for further processing. Any documents that related to the merits of the lawsuits by the Fieger-related plaintiffs similarly were considered to be responsive, and were set aside for further processing. However, any documents not related to "possible violations of the FECA by the [Fieger-related parties]" were determined to be not responsive. In addition, some records produced by the search were not responsive to Mr. Dezsi's request because they were not communications between the FEC and the Department of Justice or between the FEC (or any FEC personnel) and the White House. Responsive FEC records were then given a secondary review to determine if any FOIA exemptions applied. Any exempt material was then redacted by hand.

14. During the secondary review of the 2008-56 documents for exemption purposes, and consistent with our Office's normal practice, I determined that internal information such as non-public document routing information, transmittal forms, emails between Government

officials relating to logistical matters (e.g. meeting dates), and out-of-office replies should be withheld. Such information is of a trivial nature and is not of any genuine public interest as recognized by several federal courts. Thus I authorized withholding such information from disclosure under 5 U.S.C. § 552(b)(2).

15. Additionally, during this process, I authorized withholding records related to open enforcement or investigatory matters under 5 U.S.C. § 552(b)(3). Such records are prohibited from disclosure under 2 U.S.C. § 437g(a)(12)(A) unless written consent is retained by the subjects of the enforcement or investigatory matters, and thus are provided statutory protection from disclosure. Along those same lines, I authorized withholding (under 5 U.S.C. § 552(b)(7)(A)) any records retrieved during the search that were compiled for law enforcement purposes. All documents withheld under 5 U.S.C. § 552(b)(3) and (b)(7)(A) are related to an open Matter Under Review (“MUR”). A MUR is an FEC enforcement matter conducted pursuant to 2 U.S.C. § 437g. Disclosing any information from an open MUR to a respondent or respondent’s counsel (other than those to which they are entitled pursuant to various provisions of 2 U.S.C. § 437g or Commission policy statements) could substantially increase the ability of persons to impede Commission investigations through means such as destruction or alteration of documents, intimidation of witnesses, or placement of funds out of reach of the Government. For these reasons I authorized withholding all information compiled for law enforcement purposes under 2 U.S.C. § 437g(a)(12) and 5 U.S.C. § 552 (b)(7)(A).

16. Moreover, some of the records responsive to Request 2008-56 were protected from disclosure under the deliberative process and attorney work product privileges. Information protected by the deliberative process privilege constituted confidential, pre-decisional intra- or inter- agency recommendations or express opinions on legal or policy

matters. In this case, this same information was protected by the work product privilege because it constituted documents prepared by the Commission attorneys to defend the various lawsuits brought by associates of the Fieger firm, or contained pre-decisional recommendations or express opinions on legal or policy matters. These records were received in the form of emails, attorney notes, charts created in anticipation of litigation, and inter-agency letters or communications. Upon review of these documents, the Service Center determined that there were no reasonably segregable portions that could be released from them. For those reasons, I authorized withholding these documents under 5 U.S.C. § 552(b)(5).

17. Finally, personal information concerning Federal Government employees, witnesses, or the general public was protected from disclosure, as its release could have resulted in an unwarranted invasion of the personal privacy of these individuals. For example, information revealing home addresses, home phone and cell phone numbers, information related to an individual's family life, occupation or marital status, and similar information contained in agency records have very little if any public interest, and that interest does not outweigh the individual's interest in the privacy of such information. For that reason, I authorized withholding such information from disclosure under 5 U.S.C. § 552(b)(6). Where the information was also found in enforcement or investigatory files, the Service Center automatically applied FOIA exemption (B)(7)(C), 5 U.S.C. § 552(b)(7)(C), which is the counterpart to (b)(6) and protects from disclosure personal information in law enforcement records that could reasonably be expected to constitute an unwarranted invasion of personal privacy. Disclosure of this type of information could result in unnecessary and stigmatizing public attention and even harassment.

18. On September 4, 2008, Ms. McLaughlin submitted a proposed final agency decision letter to Ms. Matthis for her secondary review of the letter. Thereafter, I personally

reviewed the decision letter and approved the decision and documents for release (with the applicable redactions for FOIA exemptions). The Commission released its final agency decision on Request 2008-56 to Mr. Dezsi on September 30, 2008. On the same date, Department of Justice records that were recovered during the search were referred to that agency for its FOIA evaluation and release determination. The Commission has disclosed all of the agency's responsive non-exempt information in response to Request 2008-56.

19. On November 17, 2008, the Department of Justice Criminal Division sent a letter to Mr. Dezsi informing him that the FEC had located some documents which originated in the Criminal Division of the Department of Justice and referred those documents for review. The documents were received by the Department of Justice Criminal Division on October 2, 2008. The Department of Justice Criminal Division processed the request and determined to release items 1-2 in full and to withhold items 3-27 in full pursuant to 5 U.S.C. § 552(b) (5), (6), and (7)(C). The letter also informed Mr. Dezsi that the Criminal Division had forwarded some records inadvertently referred to the division by the FEC to the appropriate recipients, including the Executive Office for United States Attorneys and the Department of Justice Civil Division.

After receiving the referral from the Department of Justice Criminal Division, the Executive Office for United States Attorneys replied to Mr. Dezsi in an undated letter. This letter informed Mr. Dezsi that one page of material was reviewed and withheld in full pursuant to 5 U.S.C. § 552(b)(5) and (7)(C).

It is my understanding that the Department of Justice Civil Division withheld the documents referred to them pursuant to 5 U.S.C. § 552(b)(5).

20. Between September 30 and October 7, 2008, I directed that former Commissioner

Toner's emails be searched by sender or recipient and subject matter to make sure that we had not omitted from our response any responsive communications to or from a "whitehouse.gov" account that may have concerned enforcement of the FECA. I was informed that we previously had not.

21. On October 31, 2008, OGC received a second FOIA request from Mr. Dezsi. The request was numerically designated as FOIA Request 2009-06 ("Request 2009-06"). The Service Center received the request on November 3, 2008.

22. Request 2009-06 sought "any and all documents of any kind, including, but not limited to, memoranda, correspondence and e-mails dated from January 2001 through the present between (to/from) FEC officials, employees or agents...and White House officials, employees or agents...including any and all present and/or former employees and/or agents of the Executive Office of the President and/or Vice President." This included communications to and from former FEC Chairman Michael E. Toner, and former White House officials Harriet Miers and Karl Rove. There was no subject matter limitation on this request, which we interpreted to mean that it covered communications between the covered personnel on any subject whatsoever.

23. A FOIA Intake and Processing form was completed for Request 2009-06, and was placed on the normal processing track after determining that it was perfected. The request was then assigned the tracking number 2009-06. It was subsequently approved for processing by Public Liaison Nicole St. Louis Matthis, and then assigned to Administrative Law staff attorney Judy McLaughlin for handling. The Commission acknowledged its receipt of the request by email on November 5, 2008.

24. To further clarify the scope of Request 2009-06, on November 7, the Commission sent Mr. Dezsi an email to determine whether the request sought documents relaying communications between the FEC and the White House Office, or all of the individual offices within the Executive Office of the President (“EOP”). At that time, Mr. Dezsi clarified that his request included the EOP offices, but excluded the Office of Management and Budget (“OMB”).

25. As a part of the FEC’s search efforts, on November 5 the Service Center disseminated a search email to the General Counsel, Audit Division, OGC’s Enforcement Division, OGC’s Litigation Division, OGC’s Policy Division, the Office of Communications, and the Office of Congressional, Legislative and Intergovernmental Affairs seeking documents responsive to Request 2009-06. This second email quoted Mr. Dezsi’s second FOIA request verbatim, and instructed the divisions or offices to search their paper and electronic files for responsive documents. The search email also provided that divisions were not to withhold any documents which they thought may be privileged, or otherwise exempt from disclosure, since exemption reviews would be conducted by the Service Center. The offices were instructed to deliver any responsive documents directly to Ms. McLaughlin by November 13. In addition, on November 5, an email was sent to the Commissioners and their staff informing them of Mr. Dezsi’s second FOIA request. Like the email sent to the FEC offices, the search email to the Commissioners quoted Mr. Dezsi’s request and asked recipients to search their paper files and electronic files (e.g., e-mails, DOCS Open) for responsive documents.

26. In addition to its review of responsive documents retrieved from these offices, the Service Center also conducted another review of former Commissioner Michael Toner’s emails. It ran email searches for potential White House email addresses and email addresses with nongovernmental suffixes known to have been used by White House officials in the performance

of official duties. The Service Center also ran name searches in former Commissioner Toner's emails for Harriet Miers, Karl Rove and other White House officials, aides and employees. In addition, the Service Center also reviewed responsive files in GLA, mainly from the Ethics Office. When the President considers nominating an individual to a position on the Commission, the Commission's ethics office, in compliance with government-wide procedures under the Ethics in Government Act, works with the potential nominee, the White House Counsel's Office, and the U.S. Office of Government Ethics to complete the potential nominee's public financial disclosure form and obtain necessary ethics clearances before the President formally sends a nomination to the Senate. Accordingly, the Ethics Office within GLA produced for review in response to this FOIA request communications both to and from the White House Counsel's Office pertinent to this subject matter.

27. During its search and review, the Service Center examined thousands of pages of documents. Request 2009-06 required the involvement of nearly every member of the Administrative Law Team (three attorneys, one paralegal, and one Assistant General Counsel), as well as my personal involvement. After receiving the documents acquired from the aforementioned FEC offices, and obtaining responsive emails from Commissioner Toner's email inbox, the documents were separated into the following categories: (a) responsive FEC records; (b) records containing content produced by White House personnel (for potential referral); (c) responsive records from other agencies (for potential referral); (d) duplicates (multiple copies of the same exact email chains in their entirety); (e) nonresponsive FEC records; and (f) personal records not subject to FOIA.

28. The agency determined that records of a purely personal nature were not agency records; accordingly they did not receive an exemption review, and were completely withheld, as

they are not subject to the FOIA. In evaluating whether documents qualified as personal records, the Commission considered several factors. Consistent with our understanding of the applicable FOIA case law, we excluded as personal, rather than agency, records which met all of the following criteria: the records did not contain substantive information; were created solely for the employee's personal convenience; were not used for business purposes; were not disseminated to others within the Commission; and were records the author was free to dispose of or delete at his or her personal discretion. Moreover, in the interest of the fullest possible disclosure, we did not exclude as a personal record any record that appeared to relate in any way, no matter how trivial, to the business of the United States Government. For instance, emails between former Commissioner Toner and White House personnel in which he inquired about White House tours for personal friends and acquaintances were not excluded. For a record to be excluded, there had to be no apparent relation on the face of the record to any business of the government whatsoever. In addition, in cases where records contained both personal and governmental information, we treated the record as an agency record.

29. Responsive agency records and records containing content produced by White House personnel were then reviewed for applicable FOIA exemptions. Any exempt material, or documents subject to White House or other agency consultation, was redacted by hand or electronically with the applied exemption provided on each document. Given the volume of the documents, this process took several months to complete.

30. During the records review process for Request 2009-06, the FOIA Service Center determined that two FOIA exemptions applied to small portions of the responsive records. Consistent with the practice of our Office, I determined that internal non-public Government phone numbers, facsimile numbers, and email addresses, should be withheld. Such information

is of a trivial nature and is not of any genuine public interest as recognized by several federal courts. Thus I authorized withholding such information from disclosure under 5 U.S.C. § 552(b)(2).

31. Additionally, I determined that records (or information contained in records) related to personal information of Federal Government employees or the public were protected from disclosure, as their release could result in an unwarranted invasion of the personal privacy of these individuals. For example, records revealing personal email addresses, financial information, Federal Government employment or appointment attempts, home addresses, home phone and cell phone numbers, social security numbers and dates of birth, information related to an individual's family life or marital status, and similar information contained in agency records have very little if any public interest, and that interest does not outweigh the employee's interest in the privacy of such information. For that reason, I authorized withholding such documents from disclosure under 5 U.S.C. § 552(b)(6).

32. The deadline for responding to Request 2009-06 expired on December 3, 2008. However, because of the voluminous number of potentially responsive documents and the time required for consultation with the White House, the Department of Justice, and the Office of Management and Budget regarding their records recovered in the search, Mr. Dezsi was advised that the Commission would be exercising its regulatory discretion under 11 CFR § 4.7(c) for a ten working day extension to respond to the request. Mr. Dezsi also consented to an extension until December 31, 2008. Ms. Matthis continuously gave Mr. Dezsi updates on the status of the document production and the consultations before and after December 31.

33. On December 3, 2008, the Commission mailed Mr. Dezsi an initial batch of responsive FEC records and records that contained content created by White House personnel but which were available for disclosure without consultation with the White House. This release also explained that this was not a final determination, that the agency was continuing to process his request, and that a final determination on Request 2009-06 could not be made until consultation with the White House was complete. The Commission mailed additional responsive records to Mr. Dezsi on December 17, 2008 and December 31, 2008. Understanding that the White House consultation was going to take more time than expected due to the holidays and the Administration transition, the agency began on December 31 to send Mr. Dezsi its agency records with the White House consultation portions redacted.

34. At some point in our review of former Commissioner Toner's emails, we came across the email chain including the email mentioned previously from former Commissioner Toner to White House employee Sara Taylor and a person outside the government. The records were a series of emails, attached to which was a draft amendment to the Federal Election Campaign Act prepared by the Department of Justice. The email chain of these records involved a transmission from Department of Justice to OMB; one from OMB to the Commission's Congressional Affairs Officer; one from that official to the Commissioners and senior FEC officials; and one from former Commissioner Toner to Ms. Taylor of the White House staff and the person outside of the government. I determined that the records were responsive to Mr. Dezsi's second FOIA request. In early January, attorneys from the Commission's litigation division informed me that we were likely to have to develop a privilege log for withheld documents in the case *Beam v. Mukasey*, in which Mr. Dezsi represents the plaintiffs, and that there would likely be some overlap between documents to be reflected in that log and documents

we were reviewing in response to this FOIA request. In connection with this, they provided me with the plaintiffs' document requests from the *Beam* litigation. I called to the attention of the Litigation Division the email chain in question. We considered whether it could be produced immediately, either in response to this request or in the *Beam* litigation, but ultimately determined that because the email chain and its attachments contained potentially confidential, predecisional material generated by the Department of Justice and OMB, we would need to consult with those agencies. In late March, the Commission completed its consultation with the Department of Justice and OMB regarding their agencies' records. The result of the consultation was that the Department of Justice and OMB agreed that the documents should be released. Accordingly, on April 1, 2009, these records were released to Mr. Dezsi.

35. The FEC produced an additional batch of responsive records on April 29, 2009. Throughout the review period, the Service Center continued its consultation efforts with the White House regarding responsive records.

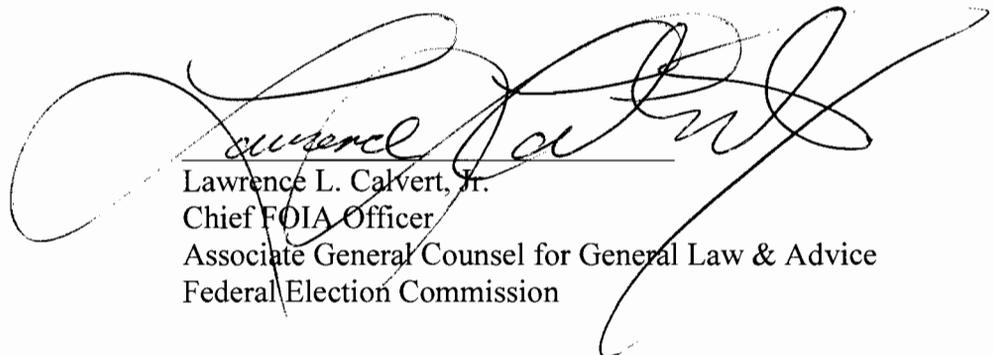
36. On June 11, 2009, the agency concluded its consultation with the White House and released to Mr. Dezsi its final agency decision in Request 2009-06. Enclosed with the decision were many records already provided to Mr. Dezsi, but in this instance the portions of those records produced by White House personnel were not redacted wholesale; they were redacted merely where FOIA exemptions were applicable. I determined that non-public government phone numbers, facsimile numbers, and email addresses should be withheld. Such information is of a trivial nature and is not of any genuine public interest as recognized by several federal courts. Thus I authorized withholding such information from disclosure under 5 U.S.C. § 552(b)(2). In addition, information revealing home addresses, home phone and cell phone numbers, information related to an individual's family life, occupation or marital status,

and similar personal information contained in agency records have very little if any public interest, and that interest does not outweigh the employee's or private citizen's interest in the privacy of such information. For that reason, I authorized withholding such records from disclosure under 5 U.S.C. § 552(b)(6). On June 12, Mr. Dezsi received by email the remaining responsive similar documents inadvertently not enclosed in the June 11 mailing. Mr. Dezsi did not respond to the final agency decision letter, nor file an administrative appeal of the Commission's response to Request 2009-06. The Commission has disclosed all responsive non-exempt information in response to Request 2009-06.

37. Based upon the aforementioned reasons, I have found that the disclosure and withholding decisions of the agency in Mr. Dezsi's FOIA requests, made pursuant to applicable FOIA exemptions, are consistent with the law. Mr. Dezsi has received all of the records with White House-produced content that was originally withheld while pending the outcome of the consultation; moreover, during the consultation period we provided him with other information in the same email chains in an attempt to be as responsive as possible.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 21st day of AUGUST 2009.



Lawrence L. Calvert, Jr.
Chief FOIA Officer
Associate General Counsel for General Law & Advice
Federal Election Commission

EXHIBIT H

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Geoffrey Nels Fieger,

Plaintiff,

Case No. 08-14125

-v-

Federal Election Commission,

Defendant.

MOTION FOR LEAVE TO CONDUCT DISCOVERY

BEFORE THE HONORABLE **DAVID M. LAWSON**
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
April 16, 2009

APPEARANCES:

FOR THE PLAINTIFF: **MICHAEL R. DEZSI**
Fieger, Fieger, Kenney,
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Southfield, Michigan 48075

FOR THE DEFENDANT: **JAMES D. TODD, JR.**
U.S. Department of Justice
Federal Programs Branch
20 Massachusetts Avenue NW
P.O. Box 883
Washington, DC 20044

To Obtain a Certified Transcript Contact:
Rene L. Twedt, CSR, RPR, CRR - (313)963-0837

1 And when I look at this e-mail, I'm sort of --
2 it's sort of incredible to me that it was withheld. And
3 then I get these arguments about, it wasn't really -- it
4 didn't fall within the request. Well, I wouldn't do it.
5 As an Officer of the Court, I wouldn't do it. And I think
6 that there is a question as to the -- as to the adequacy
7 and the reasonableness of their search.

8 That's all I have, your Honor, unless you have
9 any questions.

10 THE COURT: No, I do not. Thank you.

11 MR. DEZSI: Thank you, your Honor.

12 THE COURT: I think that there is no doubt that
13 Rule 26 applies to FOIA cases. In fact, the D.C. Circuit
14 ruled in Weisberg versus Webster in 1984 that the discovery
15 rules apply to FOIA cases and apply bilaterally, so that
16 the Government can obtain discovery in some circumstances
17 in relevant matters from an applicant who seeks information
18 and files a lawsuit under FOIA.

19 However, having said that, Courts generally agree
20 that discovery is an extraordinary procedure in FOIA cases.
21 If discovery is allowed, then the Rules of Civil Procedure
22 govern.

23 In order to justify discovery, the Second Circuit
24 has found, in Carney versus the Department of Justice, that
25 a Plaintiff must make a showing of bad faith on the part of

1 the agency sufficient to impugn the agency's affidavits or
2 declarations, or provide some tangible evidence that an
3 exemption claim by the agency should not apply, or that
4 summary judgment is otherwise inappropriate.

5 And in the Jones case in the Sixth Circuit, the
6 Court viewed the question of whether -- the Court of
7 Appeals viewed the question of whether the District Court
8 should have conducted an in camera inspection of the
9 documents in the summary judgment context; that is, whether
10 it was adequate to -- summary judgment was adequate to
11 decide the issues or whether fact issues required some
12 examination by the Court in camera. And once again, that
13 focused on the applicability of exemptions as opposed to
14 the adequacy of the search.

15 In Gorland versus Central Intelligence Agency,
16 decided by the D.C. Circuit in 1978, there was a -- I'm
17 sorry, Goland, G-o-l-a-n-d, versus Central Intelligence
18 Agency -- the question in that case dealt with the
19 adequacy of the search. Once again, the bad faith or good
20 faith determination was made in the context of reviewing
21 the affidavits that were submitted.

22 So I think I'm satisfied in this case that the
23 Plaintiff is making a valiant attempt to build a bad faith
24 case. The failure to disclose a single document generally
25 has not been held as evidence of bad faith, in and of

1 itself. On the other hand, as Professor McCormack says,
2 a brick is not a wall, and those sorts of determinations
3 usually are made incrementally.

4 The claim that the document was not responsive to
5 the second part of the first FOIA request, I think, is very
6 difficult to defend. I think that the document that was
7 ultimately turned over is responsive to the first request,
8 but once again, I'm not satisfied that that alone amounts
9 to bad faith, in and of itself.

10 So I'm convinced that although the discovery
11 request is one that is genuinely made and not made with
12 any effort to exploit the rules or disregard them, it is
13 premature, and so I'm going to deny the motion for
14 discovery without prejudice.

15 I notice that there is a scheduling order in the
16 case directing the parties to file dispositive motions by
17 December of 2008 and we have blown through that pretty
18 well. In fact, I'm not convinced that that is not a typo
19 in that order, and I think that that -- we need to revisit
20 those dates, and we can do that right now.

21 Mr. Todd, my inclination is to direct the
22 Government to file its motion first and to file affidavits
23 and declarations, either/or, relating to the scope of the
24 search. And I'm particularly interested in techniques and
25 methods, and also, whether there was sort of narrowing on

1 the fly, depending on the -- or determined by the results
2 of the search as they went on.

3 And I would like to see what was eliminated or
4 what was not produced as found to be non-responsive to the
5 request, not necessarily item by item, but categorically
6 described as part of the declarations, and that will help
7 me make a determination as to whether further discovery or
8 whether any discovery should be allowed.

9 Following that, the Defendant -- or I'm sorry --
10 the Plaintiff may file a response to the Government's
11 motion, and also renew the argument for discovery if, in
12 fact, that's appropriate. And if you want to supplement
13 that with a 56(f) affidavit, that certainly is allowed
14 under the circumstances, as well, because if the Court
15 believes that there are some factual issues that must be
16 resolved, then summary judgment is not appropriate and we
17 will have to devise another way to deal with it.

18 And once again, I think the issues have to be
19 separated; that is, those that involve a challenge based
20 on exemptions on the one hand and those that involve a
21 challenge based upon responsiveness or nonresponsiveness
22 of the items to the request itself.

23 So, Mr. Todd, can you give me an estimate about
24 when the Government might be prepared to file a motion in
25 this case?

EXHIBIT I

Vaughn Index
Fieger v. FEC, 08-14125 (E. D. Mich.)

In the first portion of this index (pp. 1-114) the documents are Bates numbered Fieger 1-1704. Within that set of documents, Bates numbered 1-611, are documents that are also included on the privilege log in *Beam v. Mukasey*, Civ. No. 07-cv-1227 (N.D. Ill., filed March 2, 2007) and have been withheld under the Freedom of Information Act (“FOIA”) based on claim of exemption. The documents numbered 612-1704 have been released to Michael R. Dezsi, pursuant to the FOIA, with the limited redactions described below. At pages 114-115 are descriptions of categories of documents, withheld pursuant to exemptions 7(A) and 7(C), from the Commission’s investigative files.

Also described below are 32 documents that were the subject of FOIA referrals to the Department of Justice, Criminal Division; the Executive Office of the United States Attorneys; and the Department of Justice, Civil Division; those documents listed below (pp. 114-119) retain the numbering assigned by those offices.

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 1 – 42 | FEC First General Counsel’s Report and Certification w/ Exhibits, dated 9/19/2006. Author: Wassom, A., Shonkwiler, M. | Document withheld. | Exemption 5 (Attorney Client, Attorney Work Product, Law Enforcement Investigative Privilege) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 43 – 44 | E-mail to Kendall Day re: 2 U.S.C. § 441f inquiry forwarded to Shonkwiler and Wassom, dated 7/23/2007. Author: Terzaken, Anne Marie. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 45 – 51 | Log of telephonic and e-mail contacts between FEC counsel and private counsel from 9/26/06 to 11/14/07 regarding administrative enforcement matters with short notes on the substance of the contacts. | Document withheld. | Exemption 5 (Attorney Client, Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 52 – 56 | E-mail to Audra Wassom re: Edwards Campaign materials w/ list of Gov't witnesses at criminal trial, dated 6/10/2008. Author: Day, Kendall. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 57 | E-mail string between Wassom and Day re: scheduling meeting, dated 6/4/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 58 – 59 | E-mail to Kendall Day requesting copies of certain criminal trial exhibits, dated 7/18/2008. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 60 | E-mail string between Wassom and Day re: scheduling meeting, dated 7/22-23/2008. | Document withheld. | Exemption 5 (Attorney Work Product Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 61 – 63 | E-mail to Wassom re: 7/18/2008 Wassom e-mail request on needed Gov't. exhibits, undated. Author: Day, Kendall | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 64 – 65 | Cover letter to Wassom re: enclosed FBI 302 interview forms of certain individuals, dated 11/7/2006. Author: Day, Kendall. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 66 – 69 | Attachment to 11/7/2006 letter listing FBI 302 forms transmitted to Wassom, undated. Author: Day, Kendall. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 70 | FBI 302 report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 71 – 75 | FBI 302 report regarding interview with witness, dated 11/29/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 76 – 77 | FBI 302 report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 78 | FBI 302 report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 79 | FBI 302 report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 80 - 84 | FBI 302 “WORKING COPY” report regarding interview with witness (redacted at source), dated 8/24/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 85 - 86 | FBI 302 “WORKING COPY” report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 87 | FBI 302 "WORKING COPY" report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 88 – 89 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 11/30/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 90 - 91 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 3/22/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 92 - 93 | FBI 302 report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 94 | FBI 302 report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 95 - 96 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 3/23/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 97 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 3/23/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 98 - 99 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 4/23/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 100 - 01 | FBI 302 "WORKING COPY" report regarding interview with witness (redacted at source), dated 3/28/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 102 - 03 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 104 – 05 | FBI 302 “WORKING COPY” report regarding interview with witness, dated 11/30/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 106 - 08 | FBI 302 “WORKING COPY” report regarding interview with witness, dated 4/14/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 109 | FBI 302 “WORKING COPY” report regarding interview with witness, dated 4/20/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 110 – 14 | Internal Revenue Service Criminal Investigation branch Memorandum of Interview with witness on 11/30/2005 with 11/30/2005 affidavit written by same witness, dated 12/1/2005. Author: IRS. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 115 – 17 | FBI 302 report regarding interview with witness, dated 1/18/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 118 - 19 | FBI 302 report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 120 | FBI 302 report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 121 - 25 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 12/16/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 126 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 127 - 30 | FBI 302 "WORKING COPY" report regarding interview with witness, dated 3/20/2006. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 2 U.S.C. § 437g(a)(12) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 131 | FBI 302 report regarding interview with witness, dated 12/9/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 132 | FBI 302 report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 133 – 34 | FBI 302 report regarding interview with witness (redacted at source), dated 12/5/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 135 – 36 | FBI 302 report regarding interview with witness, dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 137 – 38 | FBI 302 report regarding interview with witness. (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 139 | FBI 302 report regarding interview with witness (redacted at source), dated 12/1/2005. Author: FBI. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 140 | Fed Ex Standard overnight shipping label from Dept. of Justice to Audra Wassom, dated 11/7/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 141 – 60 | Apparent printout listing documents generated by the FEC's Office of General Counsel in MUR 5818, undated. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 161 | E-mail to Audra Wassom regarding respondent addresses, dated 12/21/2006. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 162 – 63 | Thank you E-mail to Kendall Day, dated 12/21/2006. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 164 | E-mail string involving Larry Calvert, Craig Donsanto, Nancy Simmons, Raymond Hulser, Shonkwiler, Rhonda Vosdingh, Wassom, and Kendall Day re: scheduling meeting, dated 8/14/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 165 – 66 | E-mail string involving Larry Calvert, Craig Donsanto, Nancy Simmons, Raymond Hulser, Shonkwiler, Rhonda Vosdingh, Wassom, and Kendall Day re: scheduling meeting, dated 8/14/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 167 | E-mail string between Craig Donsanto, Nancy Simmons, Shonkwiler, and Kendall Day re: when FEC became aware of contributions, dated 1/24-25/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 168 | E-mail to Audra Wassom re: SW affidavit from criminal trial, 10/24/2007. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 169 | E-mail to Audra Wassom re: understanding re communications and procedures between FEC and DOJ, dated 8/25/ 2006. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 170 | E-mail to Audra Wassom requesting FEC contact info and providing Detroit AUSA contact information, dated 8/24/2006. Author: Varner C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 171 - 76 | E-mail string between Larry Calvert, Craig Donsanto and Nancy Simmons Raymond Hulser, Shonkwiler, Rhonda Vosdingh, Wassom, and Kendall Day re: scheduling meeting, dated 8/14-19/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 177 | E-mail to Audra Wassom re: substance of DOJ contacts with FEC RTB recipients, dated 9/26/2006. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 178 | E-mail to Audra Wassom to arrange phone call, dated 1/3/2007. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 179 | E-mail to Kendall Day re: new FEC staff assigned to litigation and detailing contacts with counsel, dated 1/29/2007. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 180 - 81 | E-mail to Kendall Day re: returned RTB packages and potential sharing of non-grand jury DOJ materials, dated 12/14/2006. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 182 - 85 | E-mail string between Larry Calvert, Audra Wassom and Craig Donsanto Raymond Hulser, Shonkwiler, Rhonda Vosdingh, Wassom, and Kendall Day re setting up meeting, dated 8/14-16/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 186 – 87 | E-mail string between Larry Calvert and Craig Donsanto Raymond Hulser, Shonkwiler, Rhonda Vosdingh, Wassom, and Kendall Day re setting up meeting, dated 8/14-15/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 188 – 90 | Handwritten notes – apparently from a meeting, dated 4/11/2006. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 191 | E-mail to Audra Wassom re: setting up meeting, dated 7/25/2008. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 192 | E-mail to Audra Wassom re: setting up meeting; copy of superseding indictment attached, dated 7/25/2008. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 193 | E-mail to Audra Wassom re: setting up meeting and describing DOJ criminal trial exhibits to be transferred to FEC, dated 6/4/2008. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 194 | E-mail string between Audra Wassom and Kendall Day re: location of meeting, dated 3/25/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 195 | E-mail string between Audra Wassom and Kendall Day re: timing of criminal trial, dated 3/27/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 196 – 97 | E-mail string between Audra Wassom, Tom Anderson and Kendall Day re: scheduling of meeting, dated 3/14/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 198 – 99 | E-mail string between Audra Wassom and Kendall Day re: transmission of unidentified declaration, dated 3/27/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 200 – 01 | E-mail string between Audra Wassom and Kendall Day re: scanning of declaration by FEC staff member, dated 3/11/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 202 – 05 | Cover letter to Kendall Day transmitting CD-ROMs of financial reports filed by Edwards for President Committee with Certificate of Authenticity, dated 1/9/2008. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 206 – 09 | Letter to Kendall Day confirming understanding on confidential treatment of DOJ materials with internal processing documents, dated 11/17/2006. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 210 – 13 | Letter to Kendall Day transmitting list of persons who received RTB letters in MUR 5818 and RTB packages for three respondents with internal processing document, dated 9/28/2008. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 214 – 20 | Letter to Audra Wassom requesting copy of letter FEC received from Fieger counsel with internal processing docs, dated 8/24/2006. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 221 – 24 | Letter to Kendall Day requesting confidential treatment of MUR 5818 materials transmitted to DOJ, dated 8/24/2006. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 225 – 27 | Letter to Kendall Day designating an FEC staffer as FEC's witness in the <i>Fieger</i> criminal trial and advising DOJ of the scope of 2 U.S.C. 437g(a)(12), dated 11/19/2007. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 228 | E-mail to Audra Wassom re scheduling date for interview with Kendall Day, dated 9/26/2007. Author: Lane, Madelynn. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 229 | E-mail to Kendall Day re scheduling date for interview, dated 9/28/2008. Author: Lane, Madelynn | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 230 – 33 | E-mail string between Kendall Day, Madelynn Lane and Audra Wassom re scheduling date for interview, dated 10/3/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 234 | E-mail to Benjamin Streeter re: Kendall Day's inquiry regarding standard of proof, dated 9/17/2007. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 235 – 36 | E-mail string between Kendall Day and Audra Wassom re scheduling meeting re <i>Fieger</i> indictment, dated 8/24/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 237 | E-mail string between Kendall Day and Audra Wassom re scheduling meeting, dated 9/4/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 238 | Cover letter to Kendall Day transmitting newly executed Certificates of Authenticity for documents found on three CDs. Enclosures not included, undated. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 239 – 41 | E-mail string between Kendall Day and Audra Wassom re government criminal trial exhibits requested by FEC, dated 7/18/2008 and 7/22/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 242 – 44 | E-mail string between Kendall Day and Audra Wassom re government criminal trial exhibits requested by FEC, dated 7/18/2008 and 7/22/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 245 – 46 | E-mail string between Greg Mueller and Eric Fleisig-Greene re: <i>Bialek</i> case appellate brief and waiver of 2 U.S.C. 437g(a)(12) confidentiality, dated 7/25/2008 and 7/28/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 247 – 50 | Out of office auto reply to e-mail from Greg Mueller, dated 1/18/2007. Author: Eric Fleisig-Greene. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 251 | E-mail to Eric Fleisig-Greene transmitting link to FEC database for individual contributions by Barry Bialek, dated 4/15/2008. Author Greg Mueller. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 252 | E-mail string between Greg Mueller and Eric Fleisig-Greene re: <i>Bialek</i> case appellate brief proposed text, dated 4/14/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 253 – 55 | E-mail string between Greg Mueller and Eric Fleisig-Greene re: <i>Bialek</i> case supplemental brief proposed text, dated 4/17/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 256 | E-mail string between Greg Mueller and Eric Fleisig-Greene re: <i>Bialek</i> case supplemental brief proposed text, dated 4/17-18/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 257 – 60 | E-mail string between Greg Mueller and Eric Fleisig-Greene re: <i>Bialek</i> case supplemental brief proposed text, dated 4/17-18/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 261 - 64 | E-mail string between Greg Mueller and Eric Fleisig-Greene re: meeting, dated 7/21/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 265 | Out of office auto reply to e-mail from Audra Wassom, dated 12/14/2008. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 266 - 69 | E-mail to Kendall Day transmitting draft declaration of FEC employee, dated 3/24/2008. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 270 | E-mail to Colleen Sealander, Benjamin Streeter, Tamara Ulrich, & Eric Beane re: results of court appearance in <i>Beam</i> case, dated 6/22/2007. Author: Linda Wawzenski | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 271 – 74 | E-mail string between Eric Fleisig-Greene and Greg Mueller re: comments on draft brief in <i>Marcus</i> case, dated 7/23-25/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 275 | E-mail string between Eric Fleisig-Greene and Greg Mueller requesting copy of final brief in Detroit <i>Fieger</i> case, dated 7/21/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 276 – 77 | E-mail string between Eric Fleisig-Greene, Harry Summers, Michael Raab and Greg Mueller soliciting comments re: DOJ Reply on motion for summary affirmance, dated 5/13-14/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 278 – 83 | E-mail string between Eric Fleisig-Greene, Harry Summers, Michael Raab and Greg Mueller re: FEC motion for summary affirmance, dated 4/24-25/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 284 | E-mail to Eric Fleisig-Greene inviting him to attend a moot court in the <i>Bialek</i> appeal, dated 3/11/2008. Author: Mueller, G. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 285 – 88 | E-mail string between Eric Fleisig-Greene and Greg Mueller re: FEC draft proof brief in <i>Fieger</i> appeal, dated 1/29-31/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 289 – 94 | E-mail string between Eric Fleisig-Greene, Kevin Deeley, Michael Raab and Greg Mueller re: proper caption listing for FEC Chairman, dated 10/29-30/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 295 | E-mail string between Eric Fleisig-Greene, Michael Raab and Greg Mueller re: DOJ draft brief in <i>Bialek</i> appeal, dated 10/26/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 296 | E-mail string between Eric Fleisig-Greene, Kevin Deeley, David Kolker, Michael Raab and Greg Mueller re: FEC draft brief in <i>Bialek</i> appeal, dated 9/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 297 | E-mail to Greg Mueller re: request to see FEC draft brief in <i>Bialek</i> appeal, dated 9/18/2007. Author: Eric Fleisig-Greene. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 298 | Handwritten notes of mtg “with Audra & Mark” in MUR 5818, dated “10/18” | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 299 – 00 | E-mail string between Peter Caplan, AUSA in Detroit, and Benjamin Streeter re: reassignment of <i>Fieger</i> Detroit civil case, dated 2/6/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 301 – 03 | E-mail string between Peter Caplan, AUSA, and Benjamin Streeter re: <i>Fieger</i> Declaratory Judgment motion, dated 2/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 304 | E-mail string between Roger Hearron and Audra Wassom of FEC re questions re: <i>Fieger</i> Motion for Decl. Judg., dated 10/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 305 | E-mail string between Linda Wawzenski, Benjamin Streeter, Tamara Ulrich, Theodore Hirt, & Eric Beane re: court appearance on Motion to Compel Merrill Lynch response, dated 11/6/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 306 – 07 | E-mail string among FEC staff re: outline of legal analysis in MUR 5818, dated 9/9/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 308 – 09 | MUR 5818 Respondent List showing involvement with DOJ and RTB findings, undated. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 310 | E-mail string between Ulrich, Beane, Streeter, Wawzenski, Mueller and Sealander regarding attendance for FRCP 16 conference in <i>Beam</i> case, dated 5/2/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 311 | FEC MUR 5818 Report of Investigation Re: receipt of <i>United States v. Fieger</i> Admitted Exhibit List, gov't exhibits and compact disc from Kendall Day, dated 6/10/2008. Author: Hearn, R. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 312 - 14 | Letter to Thomas W. Cranmer acknowledging receipt of 2/1/2006 Complaint with internal processing docs, dated 4/17/2006. Author: Jordan, J. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 315 – 19 | Letter to Kendall Day attaching Cranmer letter with internal processing documents, dated 8/24/2006. Author: Wassom, A. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 320 – 31 | Letter to Jack Beam from FEC (through its Chairman) giving notification of FEC RTB finding with attached Factual and Legal Analysis and internal processing documents, dated 9/26/2006. Author: Toner, M. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 332 – 34 | Chart of MUR respondents and whether FBI 302 report received for each respondent, undated. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 335 – 36 | MUR 5818 Chart of Respondent Statute of Limitation deadlines, undated. Author: Hearn, R. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) Exemption 3 (2 U.S.C. § 437g(a)(12)) |
| 337 – 40 | E-mail string between Beane, Mueller, Sealander, Ulrich, & Streeter re: comments on FEC declaration and DOJ Opp to Mtn to Expedite <i>Marcus</i> case, dated 3/21/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 341 | E-mail to Sealander & Streeter re legislative history of FECA, dated 3/21/2007. Author: Beane, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 342 – 43 | E-mail string between Streeter, Terry Fox, Sealander, Annette Dolce & Beane re: Sealander declaration and DOJ <i>Marcus</i> case opp. Brief, dated 3/20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 344 – 47 | E-mail string between Sealander, Terry Fox, Streeter, and Beane re: strategies to respond to mtn for expedited proceedings in <i>Bialek</i> case, dated 3/19-20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 348 | E-mail to Streeter and Sealander re: plans for filing Opps to Mtn to Expedite in <i>Marcus</i> case, dated 3/19/2007. Author: Bean, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 349 – 52 | E-mail string between Sealander, Terry Fox, Streeter, and Beane re: strategies to respond to mtn for expedited proceedings in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 353 | E-mail string between Sealander, Terry Fox, Streeter, and Beane re: Fox's letter on mtn for expedited proceedings in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 354 | E-mail to Sealander & Streeter collecting all Fieger complaints filed to date, dated 3/14/2007. Author: Beane, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 355 – 57 | E-mail string between Sealander, Jim Gilligan, Ted Hirt, Streeter, and Beane re: status of four Fieger cases and assignment of DOJ and FEC staff, dated 3/14/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 358 | E-mail string between Streeter, Ulrich, Harry Summers, Wazenski, David Kolker and Beane exchanging draft discovery responses in <i>Beam</i> , dated 12/3/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 359 – 60 | E-mail string between Streeter, Caplan, Chris Varner, Lynn Helland, Alan Gershel, Day, Summers, Wawzenski, David Kolker and Beane re: Plaintiff's request in <i>Fieger</i> civil case for a FRCP 41(a) dismissal, dated 8/14-15/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 361 | E-mail string between Mueller and Fleisig-Greene re: changes to briefs in <i>Fieger</i> appeal, dated 1/29/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 362 | E-mail string between Mueller, Raab, Fleisig-Greene, Kolker and Kevin Deeley re DOJ comments on FEC's <i>Bialek</i> appellate brief, dated 9/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 363 | E-mail string between Streeter, Beane, Ulrich, Kolker, Summers, and Wawzenski re 10/29/08 status hearing in <i>Beam</i> case, dated 10/29/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 364 | E-mail string between Streeter, Beane, Ulrich, Kolker, Summers, Mueller, and Wawzenski re draft discovery responses in <i>Beam</i> case, dated 12/3/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 365 - 67 | E-mail string between Streeter, Beane, Ulrich, Summers, and Wawzenski re status hearing in <i>Beam</i> case and amount of time for gov't to respond to 2nd Amended Complaint, dated 3/24/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 368 – 69 | E-mail string between Beane, Streeter, Summers, Mueller, Wawzenski, & Ulrich seeking comments on draft mtg. to dismiss and reply, dated 8/20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 370 – 72 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 373 | E-mail string between Mueller, Summers, Michael Raab, and Fleisig-Greene re: motion for summary affirmance in <i>Marcus</i> appeal, dated 4/24/2008. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 374 – 75 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 376 | E-mail string between Sealander, Caplan, Streeter, Mueller, and Tracey Pile re FEC filing in Detroit <i>Fieger</i> case, dated 6/29/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 377 | E-mail to Caplan commenting on unidentified draft, dated 6/15/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 378 | E-mail to Caplan commenting on unidentified draft, dated 5/4/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 379 | E-mail string between Sealander, Caplan, Streeter, and Mueller commenting on opponent's brief in Detroit <i>Fieger</i> case, dated 5/1/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 380 – 81 | E-mail string between Sealander and Caplan re Wawzenski's report on court hearing in <i>Beam</i> case with initial 4/9/07 e-mail report by Wawzenski, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 382 – 83 | E-mail and reply between Sealander and Caplan re brief in Detroit <i>Fieger</i> case, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 384 | E-mail to Caplan inquiring about filing in Detroit <i>Fieger</i> case, dated 3/28/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product Law Enf. Priv.) Exemption 3 2 U.S.C. § 437g(a)(12) |
| 385 | E-mail and reply between Caplan and Sealander re: motion filed by FEC in Detroit <i>Fieger</i> case with response, dated 2/26/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 386 – 87 | E-mail string between Sealander, Caplan and Tracey Pile re: <i>Bialek</i> case, dated 2/26/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 388 | E-mail to Caplan re new Detroit <i>Fieger</i> case, dated 2/5/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 389 | E-mail string between Sealander, Raab, Summers, Streeter, Beane and Mueller re <i>Bialek</i> appeal, dated 7/20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 390 | E-mail string between Sealander, Ulrich, Beane, Streeter, and Mueller re: Local Rule 7.2 consultation on plaintiff's motion to compel in <i>Beam</i> , dated 6/5/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 391 | E-mail to Beane and Ulrich attaching plaintiff's settlement proposal in unidentified case, dated 5/8/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 392 – 93 | E-mail to Beane and Ulrich attaching FEC e-mail to plaintiff re: FRCP 16 report in <i>Beam</i> , dated 5/8/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 394 | E-mail to Ulrich inquiring if DOJ received a FOIA request, dated 6/5/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 395 | E-mail to Ulrich with question re: FRCP 16 conference in unidentified case, dated 6/5/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 396 | E-mail to Ulrich commenting on DOJ's <i>Beam</i> brief, dated 5/9/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 397 | E-mail to Ulrich commenting on various tasks to complete in <i>Beam</i> , <i>Fieger</i> , and <i>Bialek</i> cases, dated 5/9/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 398 | E-mail to Ulrich commenting on due date for <i>Bialek</i> brief, dated 5/7/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 399 | E-mail to Ulrich commenting on <i>Bialek</i> brief, dated 5/7/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 400 | E-mail to Ulrich, Beane and FEC staff commenting on FOIA request, dated 5/4/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 401 – 02 | E-mail string between Sealander, Ulrich, Streeter, and Mueller re: draft text for FRCP 16 report in <i>Beam</i> , dated 5/4/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 403 | E-mail string between Sealander, and re: comments on DOJ and FEC briefs in <i>Fieger</i> , dated 4/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 404 | E-mail to Ulrich discussing desirability of reviewing DOJ <i>Fieger</i> brief, dated 4/13/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 405 | E-mail to Ulrich discussing desirability of reviewing DOJ <i>Fieger</i> brief, dated 4/13/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 406 | E-mail to Ulrich requesting that Ulrich verbally inform Beane of something, dated 3/22/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 407 | E-mail string between Ulrich, Beane, Streeter and Mueller re: timing of filing <i>Marcus</i> briefs, dated 6/1/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 408 – 11 | E-mail string between Sealander, Ulrich, Mueller, Wawzenski, Hirt, Streeter, and Beane re: strategies to respond to mtn to compel in <i>Beam</i> case, dated 5/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 412 – 15 | E-mail string between Sealander, Ulrich, Mueller, Wawzenski, Hirt, Streeter, and Beane re: strategies to respond to mtn to compel in <i>Beam</i> case, dated 5/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 416 | E-mail to Eric Beane Re: use of 2 U.S.C. 437g(a)(12) in discovery responses, dated 5/16/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 417 | E-mail to Eric Beane and Ulrich re: comments on DOJ brief in <i>Marcus</i> case, dated 3/21/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 418 | E-mail string between Sealander, Ulrich, Beane, and Streeter, and re: inquiry of DOJ re: 1980 FECA amendments, dated 3/21/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 419 | E-mail string between Sealander, Ulrich, Beane, Wawzenski, Streeter, and Mueller re: 4/9/2007 status hearing in <i>Beam</i> case, dated 3/27-28/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 420 – 21 | E-mail string between Sealander, Ulrich, Hirt, Beane, Wawzenski, Mueller, Summers, and Streeter, re: 6/14/2007 status hearing in <i>Beam</i> case, dated 6/11-13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 422 – 25 | E-mail string between Sealander, Ulrich, Hirt, Beane, Wawzenski, Mueller, Summers, and Streeter, re: 5/30/2007 status hearing in <i>Beam</i> case, dated 5/15-28/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 426 – 28 | E-mail string between Sealander, Ulrich, Mueller, Wawzenski, Hirt, Streeter, and Beane re: strategies to respond to mtn to compel in <i>Beam</i> case, dated 5/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 429 – 31 | E-mail string between Sealander, Ulrich, Mueller, Wawzenski, Hirt, Streeter, and Beane re: strategies to respond to mtn to compel in <i>Beam</i> case, dated 5/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 432 | E-mail to Wawzenski forwarding copies of FEC motion to dismiss with attachments in <i>Beam</i> case, dated 5/10/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 433 | E-mail to Wawzenski re: FEC motion to dismiss and pro hac vice application in <i>Beam</i> case, dated 5/10/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 434 – 35 | E-mail string between Sealander, Mueller, Wawzenski, and Streeter, re: Wawzenski appearance for FEC in <i>Beam</i> case, dated 3/27/2007 to 4/4/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 436 | E-mail string between Sealander, Ulrich, Fox, Christian, and Beane re: schedule issued in <i>Bialek</i> case, dated 3/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 437 | E-mail to Terry Fox re: FYI for AUSA in <i>Bialek</i> case, dated 3/21/2007. Author: Sealander, C. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 438 | E-mail to Terry Fox and Sealander re: question posed to AUSA in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 439 | E-mail string between Sealander, Fox, and Streeter re: substance of DOJ and FEC Motions to Dismiss and supporting affidavits in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 440 – 41 | E-mail string between Sealander, Fox, and Beane re: substance of DOJ and FEC Motions to Dismiss and supporting affidavits in <i>Bialek</i> case, dated 3/19-20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 442 – 46 | E-mail string between Sealander, and Fox re: FEC Motions for extension and supporting affidavits in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 447 | E-mail to Sealander re: response to question posed on pro hac requirements in <i>Bialek</i> case, dated 3/26/2007. Author: Fox, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 448 | E-mail to Sealander, Streeter and Beane forwarding copy of court order in <i>Bialek</i> case, dated 3/22/2007. Author: Fox, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 449 | E-mail string between Sealander, Fox, Christian, Ulrich, Streeter, Hirt and Beane re: status of DOJ and FEC Motions to Extend in <i>Bialek</i> case, dated 3/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 450 – 52 | E-mail to Beane, Sealander, and Streeter re: draft undisputed facts for DOJ Motion to Dismiss and supporting affidavits in <i>Bialek</i> case, dated 3/21/2007. Fox, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 453 | E-mail string between Sealander, Fox, Streeter, Christian, Dolce and Beane re: substance of DOJ and FEC Motions to Extend and supporting affidavits in <i>Bialek</i> case, dated 3/20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 454 – 55 | E-mail string between Sealander, Fox, Christian, Streeter, and Beane re: edits to DOJ and FEC Motions to Dismiss and supporting affidavits in <i>Bialek</i> case, dated 3/19-20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 456 – 58 | E-mail string between Sealander, Streeter, Fox, and Beane re: substance of DOJ and FEC Motions to Dismiss and supporting affidavits in <i>Bialek</i> case, dated 3/19-20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 459 – 62 | E-mail string between Sealander, Fox, Streeter, Christian, Dolce and Beane re: substance of DOJ and FEC Motions to Extend and supporting affidavits in <i>Bialek</i> case, dated 3/19-20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 463 – 68 | E-mail string between Sealander, Fox, Streeter, and Beane re: substance of DOJ and FEC Motions to Extend and supporting affidavits in <i>Bialek</i> case, dated 3/19-20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 469 | E-mail string between Sealander, Fox, Streeter, and Beane re: substance of DOJ and FEC proposed briefing schedule in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 470 | E-mail string between Fox and Streeter re meet and confer letter in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 471 – 73 | E-mail string between Sealander, Fox, and Streeter re: motion to extend and details concerning service upon FEC in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 474 – 75 | E-mail string between Sealander, Fox, and Streeter re: FEC need for motion to extend and details concerning service upon FEC in <i>Bialek</i> case, dated 3/19/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
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| 476 | E-mail string between Sealander, Fox, and Streeter re: FEC first contact in <i>Bialek</i> case, dated 3/14/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 477 – 78 | E-mail to Beane, Helland, Gershel, and Day re: Order denying motion for Decl. Judgment and granting motion to dismiss in <i>Fieger</i> Detroit civil case, dated 8/15/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 479 | E-mail string between Sealander, Caplan, Streeter, Mueller, and Tracey Pile re courtesy copies of FEC filing for Judge Zatkoff in Detroit <i>Fieger</i> case, dated 6/29/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 480 | E-mail to Ulrich, Sealander, and Streeter re: type of discovery sought in <i>Fieger</i> and <i>Beam</i> civil cases, dated 6/18/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 481 | E-mail string between Sealander, and Caplan commenting on DOJ in Detroit <i>Fieger</i> case, dated 6/15/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 482 | E-mail to Beane, Helland, Varner, Sealander, Streeter, Ulrich and Day seeking comments on motion to dismiss in <i>Fieger</i> Detroit civil case, dated, 6/15/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 483 | E-mail to Sealander and Streeter seeking comments on proposed stipulation to dismiss certain plaintiffs in <i>Fieger</i> Detroit civil case, dated 5/23/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 484 | E-mail string between Sealander and Caplan commenting on DOJ motion in Detroit <i>Fieger</i> case, dated 5/24/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 485 | E-mail to Beane, Ulrich, Gacki, Helland, and Gershel seeking comments on motion to dismiss in <i>Fieger</i> Detroit civil case, dated 5/4/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 486 | E-mail string between Sealander, Streeter, and Caplan commenting on plaintiffs' analysis of FECA in Detroit <i>Fieger</i> case, dated 5/1/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 487 – 88 | E-mail string between Sealander, Streeter, and Caplan regarding DOJ brief in Detroit <i>Fieger</i> case, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 489 | E-mail string between Sealander, Streeter, and Caplan regarding comments on DOJ draft and FECA legislative history in Detroit <i>Fieger</i> case, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 490 -91 | E-mail string between Sealander and Caplan commenting on status call in <i>Beam</i> case, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 492 | E-mail string between Sealander, Streeter, and Caplan regarding comments on DOJ draft in Detroit <i>Fieger</i> case, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 493 | E-mail string between Sealander, and Caplan soliciting comments on FEC draft in <i>Beam</i> case, dated 4/9/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 494 | E-mail to Beane, Ulrich, Streeter, Sealander, Gacki, Helland, Varner, and Day seeking comments on motion to dismiss in <i>Fieger</i> Detroit civil case, dated 4/7/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 495 | E-mail string between Sealander, Streeter and Caplan commenting on decision regarding FEC pleading in Detroit <i>Fieger</i> case, dated 2/26/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 496 – 97 | E-mail string between Sealander Streeter, and Caplan re: new related case in Colorado and identity of plaintiff there, dated 2/26/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 498 – 501 | E-mail string between Sealander, Ulrich, Mueller, Wawzenski, Hirt, Streeter, and Beane re: strategies to respond to mtn to compel in <i>Beam</i> case, dated 5/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 502 | E-mail string between Sealander, Streeter and Caplan re: FEC independent litigation authority, dated 2/5/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 503 | E-mail string between Sealander, Beane, Mueller, Summers, Raab, and Streeter re: FEC staffing of <i>Bialek</i> in Colorado, dated 7/20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 504 | E-mail to Streeter, Sealander, and Mueller re timing of filing of motion to dismiss in <i>Marcus</i> civil case, dated 6/1/2007. Author: Caplan, P. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 503 – 07 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 508 | E-mail string between Beane, Sealander, Hirt, Ulrich, and Streeter and Mueller re lack of plaintiff's reply to motion to dismiss in <i>Marcus</i> civil case, dated 5/23/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 509 – 13 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re: responses to plaintiffs' motion to compel discovery in <i>Beam</i> case, 5/22-23-2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 514 | E-mail string between Mueller, Sealander, Ulrich, Streeter and Beane soliciting comments on FEC discovery response draft in <i>Beam</i> case, dated 5/15/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 515 | E-mail string between Mueller, Sealander, Ulrich, Streeter and Beane offering comments on FEC discovery response draft in <i>Beam</i> case, dated 5/16/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 516 | E-mail string between Mueller, Sealander, Ulrich, Streeter and Beane transmitting DOJ discovery response draft in <i>Beam</i> case, dated 5/16/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 517 | E-mail to Day, Streeter, Sealander, Hirt, Ulrich and Mueller soliciting comments on DOJ opp. to motion for decl. judg. in <i>Marcus</i> civil case, dated 5/3/2007. Author: Beane, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 518 | E-mail string between Streeter, Beane, Ulrich, Summers, Mueller, and Sealander, re: arranging FRCP 16 telephone conference in <i>Beam</i> , dated 4/24/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 519 | E-mail to Streeter, Sealander, Hirt, Ulrich and Mueller re: denial of motion to expedite in <i>Marcus</i> civil case, dated 4/16/2007. Author: Beane, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 520 | E-mail string between Sealander, Ulrich, Streeter, Beane, and Mueller soliciting comments on FEC draft brief in <i>Fieger</i> , dated 4/12/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 521 | E-mail to Streeter, Sealander, Hirt, Ulrich and Mueller commenting on plaintiff's reply brief to motion to expedite in <i>Marcus</i> , dated 3/22/2007. Author: Beane, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 522 – 24 | E-mail string between Beane, Streeter, Sealander, Ulrich and Mueller re: FEC declaration for attachment to DOJ brief in <i>Marcus</i> case, dated 3/21/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 525 – 26 | E-mail string between Streeter, Sealander, Ulrich, Beane and Wawzenski re: outcome of the 6/14/07 <i>Beam</i> status call, dated 6/14/2007. Author: Beane, E. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 527 | E-mail string between Streeter, Beane, Ulrich, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel discovery, dated 6/11-13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 528 | E-mail string between Streeter, Beane, Ulrich, Sealander, and Mueller re strategy for <i>Beam</i> case meet and confer, dated 6/18/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 529 | E-mail string between Streeter, Beane, Ulrich, Sealander, and Mueller re Beam FOIA requests, dated 6/5/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 530 | E-mail to Wawzenski, Sealander and Hirt re: Dezsi's request to conduct local rule 37.3 conference via phone, dated 6/5/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 531 | E-mail to Sealander, Mueller, Streeter, and Beane re: Dezsi's request to conduct local rule 37.3 conference via phone, dated 5/30/2007. Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 532 | E-mail to Sealander, Streeter, Mueller and Beane soliciting comments on <i>Beam</i> brief, dated 5/9/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 533 | E-mail to Sealander, Mueller and Beane soliciting comments and language for letter to Dezsi, dated 5/8/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 534 | E-mail to Sealander, Streeter, Hirt, Day, Mueller and Beane forwarding completed <i>Bialek</i> reply brief, dated 5/8/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 535 | E-mail to Wawzenski, Sealander, and Beane regarding questions on local procedures, dated 5/7/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 536 | E-mail string between Ulrich and Sealander commenting on mutual reply briefs in <i>Marcus</i> case, dated 5/7/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 537 | E-mail to Sealander soliciting comments on DOJ reply brief in <i>Marcus</i> case, dated 5/7/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 538 | E-mail string between Streeter, Beane, Ulrich, Sealander, and Mueller re Beam FOIA requests, dated 5/4/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 539 – 40 | E-mail string between Streeter, Beane, Ulrich, Sealander, and Mueller re draft for <i>Beam</i> meet and confer FRCP 16 meeting, dated 5/4/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 541 – 42 | E-mail string between Ulrich, Beane, Streeter, Wawzenski, Mueller and Sealander regarding attendance for FRCP 16 conference, dated 5/2/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 543 – 44 | E-mail string between Ulrich, Day, Hirt, Beane, Wawzenski, Caplan, Helland and Sealander regarding subpoena duces tecum served on Comerica Bank in <i>Beam</i> case, dated 4/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 545 – 46 | E-mail to Sealander, Streeter, Hirt, Day, and Beane forwarding completed <i>Bialek</i> Opposition brief, dated 4/13/2007. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 547 – 48 | E-mail string between Sealander and Ulrich commenting on proposed language in <i>Fieger</i> brief, dated 4/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 549 | E-mail string between Sealander, Mueller, Beane, Streeter, and Ulrich commenting on proposed language in <i>Fieger</i> brief, dated 4/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 550 | E-mail string between Sealander, Mueller, Beane, Streeter, and Ulrich commenting on proposed language in <i>Fieger</i> brief, dated 4/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 551 | E-mail string between Sealander, Mueller, Beane, Streeter, and Ulrich commenting on proposed language in <i>Fieger</i> brief, dated 4/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 552 | E-mail string between Sealander, Mueller, Beane, Streeter, and Ulrich re expectations for 4/9/2007 <i>Beam</i> motion date, dated 3/28/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 553 | E-mail string between Sealander, Wawzenski, Beane, Streeter, and Ulrich commenting on upcoming April 9 th motion date in <i>Beam</i> case, dated 3/27/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 554 | E-mail string between Sealander, Hirt, Beane, and Ulrich commenting on upcoming April 9 th motion date and unique local rules in <i>Beam</i> case, dated 3/23/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 555 | E-mail string between Sealander and Ulrich commenting on unique spelling problem, dated 3/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 556 | E-mail string between Sealander Beane, and Ulrich commenting on plaintiffs' motion for declaratory judgment in <i>Beam</i> case, dated 3/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 557 | E-mail string between Sealander, Raab, Summers, Mueller, Beane, Streeter, and Ulrich re: <i>Bialek</i> appeal and FEC personnel changes, dated 7/20/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 558 | E-mail string between Streeter, Sealander, Ulrich, Beane and Wawzenski re: outcome of the 6/14/07 <i>Beam</i> status call, dated 6/14/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 559 – 61 | E-mail string between Streeter, Sealander, Ulrich, Beane and Wawzenski in anticipation of the 6/14/07 <i>Beam</i> status call, dated 6/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 562 – 63 | E-mail string between Streeter, Sealander, Ulrich, Beane and Wawzenski in anticipation of the 6/14/07 <i>Beam</i> status call, dated 6/13/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 564 | E-mail to Beane, Ulrich, Sealander and Streeter requesting copy of DOJ and FEC objections to <i>Beam</i> discovery requests, dated 6/11/2007. Author: Wawzenski, L. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 565 | E-mail to Streeter, Sealander, Ulrich, and Beane re availability for the 6/14/07 <i>Beam</i> status call, dated 6/11/2007. Author: Wawzenski, L. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 566 – 67 | E-mail string between Wawzenski, Sealander, Ulrich and Hirt re: Dezsi's request to conduct local rule 37.3 conference via phone in <i>Beam</i> case, dated 6/5/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 568 – 70 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 571 – 72 | E-mail string between Streeter, Beane, Ulrich, Summers, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 573 – 77 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/23/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 578 – 80 | E-mail string between Streeter, Beane, Ulrich, Summers, Hirt, Mueller, Sealander, and Wawzenski re strategy for status hearing in <i>Beam</i> case on motion to compel, dated 5/22/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 581 | E-mail to Wawzenski, Ulrich, Sealander, and Beane regarding questions on local procedures. Author: Ulrich, T. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 582 – 83 | E-mail string between Ulrich, Day, Hirt, Beane, Wawzenski, Caplan, Helland, Varner and Sealander regarding subpoena duces tecum served on Comerica Bank in <i>Beam</i> case, dated 4/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 584 – 86 | E-mail string between Ulrich, Streeter, Mueller, Beane, Wawzenski, and Sealander regarding local counsel in <i>Beam</i> case, dated 3/27, 3/28 and 4/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 587 – 88 | E-mail string between Streeter, Mueller, Beane, Wawzenski, and Sealander regarding local counsel in <i>Beam</i> case, dated 3/28 and 4/25/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 589 | E-mail string between Wawzenski and Sealander regarding pro hac filings in <i>Beam</i> case, dated 5/10/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |

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| 590 - 92 | E-mail string between Wassom, Madelynn Lane, Shonkwiler and Day re: scheduling meeting of potential witness in criminal case, dated 9/26-28/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 593 | E-mail to Madelynn Lane forwarding criminal case pleading, dated 9/28/2007. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 594 - 97 | E-mail string between Wassom, Madelynn Lane, Shonkwiler and Day re: scheduling meeting of potential witness in criminal case and certification of FEC reports, dated 9/26-10/1/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 598 - 601 | E-mail string between Wassom, Madelynn Lane, and Day re: scheduling meeting and availability of contributor list for certification purposes, dated 10/3/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 602 - 604 | E-mail string between Wassom, Madelynn Lane, and Day re: scheduling meeting, dated 10/3/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 605 - 606 | E-mail string between Wassom, Madelynn Lane, and Day re: scheduling meeting, dated 10/3/2007. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 607 - 611 | E-mail to Wassom and Madelynn Lane providing notice of disclosure order in criminal case and attaching formal letter requesting donor history of certain individuals, dated 10/5/2007. Author: Day, K. | Document withheld. | Exemption 5 (Attorney Work Product, Law Enf. Priv.) |
| 612-16 | E-mail from Michael Toner, dated 12/15/2005, with copies to Daniel J. Bartlett, Jbolten, Barry Jackson, Brett M. Kavanaugh, KR, ST, and Ted Ullyot attaching copy of FEC Press Release titled Toner Elected Chairman of Federal Election Commission. (Attached Press Release). | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

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| 617-18 | E-mail from Michael E. Meece, dated 10/31/2005, to Michael E. Meece attaching copy of White House Press Release regarding Judge Samuel A. Alito, Jr.'s Biography. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 619 | Email from Michael Meece, dated 10/04/2005, to cmartin and mtoner including a website link to: http://realclearpolitics.com/Commentary/com-10_4_05_TL.html | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 620-21 | E-mail from Michael E. Meece, dated 09/20/2005, to Michael E. Meece attaching copy of White House Press Release of weekly itinerary from Tuesday, September 20, 2005 through Saturday, September 24, 2005. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 622-23 | E-mail from Michael E. Meece, dated 09/01/2005, to Michael E. Meece attaching copy of information from USA Freedom Corps about Hurricane Katrina Relief and providing organizations with non-cash resources. Including a link to: https://www.swern.gov/ . | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 624-25 | E-mail from Sara M. Taylor, dated 12/16/2005, to Michael Toner attaching copy of White House Press Release of President George W. Bush's FEC Personnel Announcements. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 626-27 | E-mail response from Michael Toner, dated 12/16/2005, to Sara M. Taylor regarding White House Press Release of President George W. Bush's FEC Personnel Announcements. Email addresses redacted. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

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| 628-32 | E-mail from Michael Toner, dated 06/03/2002, to Kmehlman regarding Opening Statement – Soft Money R.M. Hearing document. (Attached Statement Of Commissioner Michael E. Toner in WORD format to email) | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 633 | E-mail from Michael Toner, dated 12/17/2002, to Dorothy_c._Garvin regarding a thank you note to Christy for White House holiday tours for Michael Toner and his staff. | Email address and a name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 634 | E-mail from Michael Toner, dated 11/27/2002, to Dorothy_c._Garvin regarding a request to Christy for White House holiday tours for his political appointees staff. | Email address, a name redacted, and purely personal discussion. | Exemption 6 (unwarranted invasion of personal privacy) |
| 635-36 | Forwarded E-mail from Michael Toner, dated 10/10/2002, to Thofeller regarding analysis and summary on Election Reform Conference Report. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 637-38 | Forwarded E-mail from Michael Toner, dated 10/07/2002, to Tofeller regarding initial summary on Election Reform Compromise provided by Electionline.org. | Email address and a name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 639-40 | Forwarded E-mail from Michael Toner, dated 10/04/2002, to Thofeller regarding election reform. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 641 | Forwarded E-mail from Michael Toner, dated 05/30/2002, to Kmehlman regarding changes to Proposed FEC Regulations Required by Bipartisan Campaign. | Email addresses and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 642-52 | E-mail from Michael E. Meece, dated 12/08/2003, to Michael E. Meece attaching copy of White House Press Release of remarks by the President at signing of the Medicare Prescription Drug, Improvement And Modernization Act Of 2003. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 653-60 | E-mail from Michael E. Meece, dated 12/08/2003, to Michael E. Meece regarding President Bush's signing of the Medicare Prescription Drug, Improvement And Modernization Act Of 2003. (Attached pdf copy of Fact Sheet regarding President Bush's signing of the Medicare Prescription Drug, Improvement And Modernization Act Of 2003.) | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 661-65 | E-mail from Michael E. Meece, dated 11/25/2003, to Michael E. Meece regarding Fact Sheet: A Great Day for America's Seniors. (Attached copy of Fact Sheet regarding A Great Day for America's Seniors.) | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 666-67 | Forwarded E-mail from Michael Toner, dated 10/28/2003, to Susan_B._Ralston and Barbara_J._Goergen regarding UVA Center for Politics/Proposed Dates for Karl Rove. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 668 | E-mail from Michael Toner, dated 06/25/2003, to Elizabeth_Hogan regarding a thank you for Fourth of July tickets. | Email address, name, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 669 | E-mail from Michael Toner, dated 06/23/2003, to Elizabeth_Hogan asking for Fourth of July tickets. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 670 | Forwarded E-mail from Michael Toner, dated 06/16/2003, to KR concerning UVA Center for Politics asking Karl if he would attend an event to raise funds. Email address redacted. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 671 | Forwarded E-mail from Michael Toner, dated 06/09/2003, to Elizabeth_Hogan concerning Small Business Administration. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 672 | E-mail from Michael Toner, dated 06/02/2003, to Nicolle_Devenish congratulating her on being named Communications Director. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 673 | E-mail from Michael Toner, dated 05/30/2003, to KR concerning UVA Center for Politics asking Karl if he would attend an event to raise funds. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 674 | E-mail from Michael Toner, dated 05/28/2003, to Eric_W_Terrel and blind copy to mlaurenza regarding White House Travel policy handbook. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 675-86 | E-mail from Michael E. Meece, dated 10/06/2004, to Michael E. Meece attaching copy of White House Press Release of Remarks By The President In Wilkes-Barre, Pennsylvania. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 687 | E-mail from Michael Toner, dated 10/06/2004, to John_D_Estes regarding request for White House tour. | Email address, name, and cell phone number redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 688 | E-mail from Michael Toner, dated 10/13/2004, to Bhester regarding request for White House tour. | Email address and cell phone number redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 689 | E-mail from Michael Toner, dated 11/10/2004, to Harriet Miers requesting a few minutes for discussion. | Email address and cell phone number redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 690-94 | E-mail from Michael E. Meece, dated 11/24/2004, to Michael E. Meece attaching a copy of The Wall Street Journal article by Joshua Bolten entitled: No Deficit of Courage. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 695-97 | E-mail from Michael Toner, dated 11/24/2004, to Michael E. Meece responding to attached email copy of The Wall Street Journal article by Joshua Bolten entitled: No Deficit of Courage. | Email addresses and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 698-700 | E-mail from Michael E. Meece, dated 05/10/2004, to Michael E. Meece attaching copy of White House Press Release of weekly itinerary from Monday, May 10, 2004 through Saturday, May 15, 2004. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 701-03 | E-mail from Michael E. Meece, dated 06/11/2004, to Michael E. Meece attaching copy of White House Press Release of weekly itinerary from Monday, June 14, 2004 through Friday, June 18, 2004. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 704-07 | E-mail from Michael E. Meece, dated 06/11/2004, to Michael E. Meece with remarks by the President in Eulogy for former President Reagan. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 708 | E-mail from Michael Toner, dated 05/06/2005, to KR concerning 527 legislation. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 709-10 | E-mail from Heidi M. Smith, dated 12/15/2005, to Michael Toner responding to press release. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 711-12 | E-mail from Michael Toner, dated 12/15/2005, to Heidi M. Smith regarding New Chairman Press Release. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 713-14 | Forwarded E-mail from Office of Public Liaison, dated 06/08/2006, to Michael Toner regarding White House Press Release with Statement By The President. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 715 | E-mail from Michael Toner, dated 07/10/2006, to St requesting an AP reporter's email address. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 716-17 | Forwarded E-mail from Michael Toner, dated 07/20/2006, to St@ thoughts about legislative amendments to the FECA. | Email addresses and name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 718-20 | E-mail from Michael Toner, dated 09/26/2006, regarding Toner and Bauer Roll Call Op-Ed. | Email addresses and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 721-22 | E-mail from Michael Toner, dated 10/04/2006, with copies to Hwmusser, KR, St, regarding Toner Oct. 5 Roll Call Piece. Email addresses redacted. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 723-26 | E-mail from Michael Toner, dated 10/27/2006, with copies to NDevenish@, Hwmusser@, and redacted individuals regarding Clinton Story by Alexander Bolton. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 727 | E-mail from Michael Toner, dated 11/09/2006, to St@ requesting a White House tour. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 728-30 | E-mail from Michael Toner, dated 12/07/2006, with copies to Daniel_J._Bartlett@, Jbolten, Gillespie, Chunter@, Joel_D._Kaplan, Harriet Miers, Hwmusser, and redacted individuals regarding Michael Toner Press Statement Announcing Plans To Step Down From The FEC This Winter. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 731 | E-mail from Michael Toner, dated 12/18/2006, to Caroline_C._Hunter regarding nomination/confirmation. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 732-34 | E-mail from Michael Toner, dated 03/27/2006, with copies to Hwmusser, KR@, St@, and redacted individuals regarding Michael Toner Opening Statement – FEC Final Vote on Internet Regulation. (Attached copy of Opening Statement in WORD format to email). | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 735-50 | E-mail from Michael Toner, dated 12/13/2006, with copies to Taylor Hughes, Hwmusser, KR@, St@, regarding Press Advisory: FEC Collects \$630,000 in Civil Penalties from Three 527 Organizations. (Attached copy of Press Release in WORD format to email) | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 751-54 | E-mail from Office of Public Liaison, dated 01/03/2007, to Michael Toner regarding President Bush Wall Street Journal Op-Ed: What the Congress Can Do for America. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 755 | E-mail from Office of Public Liaison, dated 01/23/2007, to mtoner regarding 2007 State of the Union Policy Initiatives Fact Sheets. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 756 | Email from Michael Toner, dated 1/26/2007, to Taylor Hughes regarding meeting. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 757-59 | Email from Michael Toner, dated 02/06/2007, to Taylor Hughes regarding USA Today Story / 2008 Presidential Race regarding declining public funding. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 760-61 | E-mail from Office of Public Liaison, dated 02/16/2007, to mtoner regarding White House Press Release. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 762-63 | E-mail from Michael Toner, dated 03/07/2007, with copies to Daniel_J._Bartlett@, regarding Michael Toner Press Statement Announcing Plans To Join Bryan Cave LLP. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 764 | E-mail from Michael Toner, dated 03/14/2007, with copies to Commissioners Office; Thomasenia Duncan; Patrina M Clark, Daniel_J._Bartlett, Carol_Jean_Thompson, and redacted individuals regarding Michael Toner New Contact Information and departure from the FEC to join Bryan Cave LLP. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 765 | Forwarded E-mail from Michael Toner, dated 03/07/2007, to Sara Taylor regarding Nomination Hearing. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 766-67 | Illegible. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 768 | Illegible. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|----------------------------|--|--|--|
| 769 | Illegible. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 770 | E-mail from Duane Pugh, dated 05/16/2008, to Brandon S. Consolvo, Harold H. Kim, and redacted individuals regarding meetings. | Email addresses and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 771 | Forwarded E-mail from Duane Pugh, dated 06/17/2008, to Harold Kim, Brandon Consolvo, and redacted individuals regarding Feingold meetings. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 772 | E-mail from Duane Pugh, dated 05/20/2008, to Brandon S. Consolvo regarding meeting for Bauerly at 10:15 and cancellation of McGahn. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 773 | E-mail from Duane Pugh, dated 05/20/2008, to Brandon S. Consolvo regarding Bennett Meetings. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 774 | E-mail from Duane Pugh, dated 05/19/2008, to Brandon S. Consolvo regarding corrected FEC schedule for 5/19 – 5/21. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 775 | E-mail from Duane Pugh, dated 05/20/2008, to Brandon S. Consolvo and Harold H. Kim regarding press. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 776 | E-mail from Duane Pugh, dated 05/21/2008, to Brandon S. Consolvo regarding Specter meetings. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 777 | E-mail from Duane Pugh, dated 05/21/2008, to Brandon S. Consolvo regarding scheduling. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 778 | E-mail from Duane Pugh, dated 05/21/2008, to Brandon S. Consolvo regarding FEC's Commissioner Walther confirming for 4:15 tomorrow. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 779 | E-mail from Duane Pugh, dated 05/21/2008, to Brandon S. Consolvo regarding scheduling. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 780 | E-mail from Duane Pugh, dated 05/21/2008, to Brandon S. Consolvo regarding FEC Commissioner McGahn's confirmation for 4:30 tomorrow. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 781 | E-mail from Duane Pugh, dated 06/12/2008, to Brandon S. Consolvo and Harold H. Kim regarding nomination announcement. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 782 | E-mail from Duane Pugh, dated 06/18/2008, to Brandon S. Consolvo regarding contact info regarding scheduling. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 783 | E-mail from Duane Pugh, dated 06/18/2008, to Brandon S. Consolvo regarding Commissioner Walther. | Email address redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 784 | E-mail from Barbara J. Goergen, dated 08/12/2003, to mtoner regarding UVA Center for Politics invite. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 785-86 | E-mail from Mike Davis, dated 10/20/2005, to md regarding Harriet Miers. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|----------------------------|--|--|---|
| 787 | E-mail from Mike Davis, dated 10/21/2005, to md regarding Paul McNulty's nomination as the Deputy Attorney General. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 788 | E-mail from Mike Davis, dated 11/03/2005, to md regarding candidates under consideration for an appointment within administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 789-91 | E-mail from Mike Davis, dated 11/07/2005, to mtoner regarding appointments to administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 792 | E-mail from Mike Davis, dated 11/09/2005, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 793 | E-mail from Mike Davis, dated 11/09/2005, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 794 | E-mail from Mike Davis, dated 11/14/2005, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 795 | E-mail from Mike Davis, dated 11/15/2005, to md regarding announcement of nominees. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 796 | E-mail from Mike Davis, dated 11/15/2005, to md regarding Bernhardt's announcement being postponed. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 797 | E-mail from Mike Davis, dated 11/16/2005, to md regarding consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 798 | E-mail from Mike Davis, dated 11/17/2005, to Mike Davis regarding Bernhardt's announcement is back on for today. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 799 | E-mail from Mike Davis, dated 12/05/2005, to md regarding Treasury position. Email addresses and names redacted. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 800 | E-mail from Mike Davis, dated 12/06/2005, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 801 | E-mail from Mike Davis, dated 12/13/2005, to md regarding Federal Labor Relations Authority. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 802 | E-mail from Mike Davis, dated 12/15/2005, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 803 | E-mail from Mike Davis, dated 01/09/2006, to md regarding candidates under consideration for an appointment within the Bush Administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 804 | E-mail from Michael E. Meece, dated 01/14/2006, to Michael E. Meece and Jay S. Zeidman regarding Meece's last night at the White House – Jay Zeidman replacing. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 805 | E-mail from Mike Davis, dated 01/20/2006, to md regarding candidates under consideration for a position in the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 806 | E-mail from Mike Davis, dated 01/24/2006, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 807 | E-mail from Mike Davis, dated 01/30/2006, to md regarding candidates under consideration for an appointment within the administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 808 | E-mail from Mike Davis, dated 02/03/2006, to md regarding personnel announcements. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 809 | E-mail from Carol Thompson, dated 02/10/2006, to Carol Thompson regarding last day at the White House. | Email addresses and cell number redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 810 | E-mail from Jay S. Zeidman, dated 03/03/2006, to undisclosed-recipients regarding invitation for White House Event. | Email addresses and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 811 | E-mail from Jane Cherry, dated 03/07/2006, to Alex Azar, Allyson Ho, Ben Ginsburg, and Cleta Mitchell regarding candidates under consideration for an appointment within the Bush Administration. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 812 | E-mail from Jane Cherry, dated 03/08/2006, to Jane Cherry regarding candidates under consideration for an appointment within the administration. | Email addresses and name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 813 | E-mail from Jane Cherry, dated 03/22/2006, to Jane Cherry regarding candidates being considered for a position in the administration. | Email addresses and name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 814 | E-mail from Jane Cherry, dated 03/29/2006, to Jane Cherry regarding candidates being considered for a position in the administration. | Email addresses and name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 815 | E-mail from Jane Cherry, dated 03/29/2006, to Jane Cherry regarding candidates being considered for a position in the administration. | Email addresses and name redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 816 | E-mail from Jay S. Zeidman, dated 04/06/2006, to Brian V. McCormack regarding arrival ceremony for President Hu of the Peoples Republic of China. | Email addresses and phone number redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 817 | E-mail from Colleen Litkenhaus, dated 04/30/2006, to undisclosed-recipients regarding last day at the White House. | Email addresses and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 818 | E-mail from Jane Cherry, dated 05/18/2006, to Jane Cherry regarding candidates under consideration for appointment in administration. | Email addresses and phone numbers redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 819 | E-mail from Jane Cherry, dated 05/18/2006, to Jane Cherry regarding candidates under consideration for appointment in administration. | Email addresses and phone numbers redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 820-22 | E-mail from Office of Public Liaison, dated 06/05/2006, to mtoner regarding memo from Dan Bartlett. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 823-24 | E-mail from Jay S. Zeidman, dated 06/05/2006, to undisclosed-recipients regarding memo from Dan Bartlett. | Email address redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 825 | E-mail from Jane Cherry, dated 06/07/2006, to Jane Cherry regarding candidates under consideration for appointment in administration. | Email addresses and phone numbers redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 826-27 | E-mail from Jay S. Zeidman, dated 07/07/2006, to Smith Interm and Tracy R. regarding Invitation to Amend the President's Remarks on Mid-Session Review – July 11 th . | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|----------------------------|--|--|---|
| 828-33 | E-mail from Jane Cherry, dated 07/12/2006, 07/18/2006, 08/17/2006, 08/21/2006, 08/29/2006, 08/30/2006 to Jane Cherry regarding candidates being considered for a position in the administration. | Email addresses and phone numbers redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 834 | E-mail from Heather W. Musser, dated 01/21/2005, to undisclosed-recipients regarding heading back to DHS. | Email addresses and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 835 | E-mail from Ashley E. Kavanaugh, dated 02/17/2005, to astrudwick, Alicia Davis, Ali Tullis, Alison Jones, and Ashley Kavanaugh regarding leaving the White House. | Email addresses, names and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 836 | E-mail from Melissa R. Price, dated 03/16/2005, to redacted recipient regarding change of last day at the White House. | Email addresses, names and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 837 | E-mail from Michael E. Meece, dated 06/27/2005, to Michael E. Meece regarding “[Democrats] handled 9/11 like it was a debate over a highway bill instead of a matter of people’s lives.” | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 838 | E-mail from Michael E. Meece, dated 07/19/2005, to Michael E. Meece, Grote Intern, Kathryn M. regarding Supreme Court nominee. | Email addresses, names and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 839-42 | E-mail from Michael E. Meece, dated 07/19/2005, to Michael E. Meece regarding Judge John Roberts Background. Email addresses redacted. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 843 | E-mail from Michael E. Meece, dated 07/26/2005, to mtoner and Nathaniel Kraft regarding Mr. Jack L. Oliver. Email addresses redacted. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 844 | E-mail from Michael E. Meece, dated 08/26/2005, to Michael E. Meece, and Jay S. Zeidman regarding China arrival for President Hu. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 845 | E-mail from Tim Griffin, dated 09/23/2005, to undisclosed recipients regarding moving again Friday, September 23, 2005, last day at the White House. | Email addresses, names, phone numbers and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 846-48 | E-mail from Jay S. Zeidman, dated 10/03/2005, to Jay S. Zeidman regarding announcement of Harriet Miers as nominee to the Supreme Court. | Email addresses, names and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 849-51 | E-mail from Mike Davis, dated 10/06/2005, 10/07/2005, 10/07/2005 to md regarding candidates being considered for a position in the administration. | Email addresses, names and phone numbers redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 852-54 | E-mail from Michael E. Meece, dated 06/04/2004, to Michael E. Meece, regarding Talking Points: 248,000 New Jobs Created in May – Nearly 1 Million Jobs Added in Last 3 Months Alone. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 855 | E-mail from Elisabeth DeVos, dated 08/06/2004, to Elisabeth DeVos regarding Contact Information for Matthew Schlapp. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 856 | E-mail from Michael E. Meece, dated 08/12/2004, to Michael E. Meece, regarding urban legends. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 857 | E-mail forwarded from Catherine Martin, dated 10/18/2004, to Kevin Martin and mtoner regarding press coverage. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 858-60 | E-mail from Michael E. Meece, dated 11/04/2004, to Michael E. Meece, regarding Some Thoughts on the Meaning of the President's Victory (by Pete Wehner). | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 861 | E-mail from Adam_B._Goldman, dated 02/22/2003, to mtoner regarding fyi that Stuart is leaving to join Ben G. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 862 | E-mail from Ken Mehlman, dated 04/15/2003, to mtoner regarding smart guy and good choice comment. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 863 | E-mail from Eric_W._Terrell, dated 04/30/2003, to mtoner regarding looking forward to Friday 5/2, 11:00am. | Email addresses and name redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 864 | E-mail from Eric_W._Terrell, dated 05/12/2003, to mtoner regarding faxing the policy manual. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 865 | E-mail from Elizabeth_Hogan, dated 06/18/2003, to Michael Toner regarding position in administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 866-67 | E-mail from Adam_B._Goldman, dated 06/27/2003, to MDowd@, jack, under_secretary, bbecker, RCoffee and dgrubb regarding last day at the White House. | Email addresses and name redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 868 | E-mail from Hogan, Elizabeth, dated 07/31/2003, to mtoner regarding G8 lawyer. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 869 | E-mail from Philip_J.Perry, dated 07/31/2003, to mtoner regarding scheduling. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 870 | E-mail from Elizabeth_Hogan, dated 09/13/2002, to Michael Toner regarding talking to someone about summer jobs and sending resume to the WH Liaison within the Administration. | Email addresses, names, phone numbers and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 871 | E-mail from Elizabeth_Hogan, dated 09/16/2002, to Michael Toner regarding Dole question. | Email addresses, names, phone numbers and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 872 | E-mail from Elizabeth_Hogan, dated 09/18/2002, to Michael Toner regarding reference for candidate interested in being a part of the Administration. | Email addresses, names, phone numbers and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 873 | E-mail from David_H._Hill, dated 10/02/2002, to mtoner regarding job opportunity. | Email addresses, names, phone numbers and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 874 | E-mail from Allson_M._Harden, dated 11/22/2002, to redacted names regarding news about accepting a job as press secretary for Congressman Chris Chocola from Indiana. | Email addresses and names redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 875-77 | E-mail from Michael Toner, dated 01/25/2006, to Corry N. Schiermeyer regarding Alhurra interview. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 878 | E-mail from Michael Toner, dated 04/03/2006, to Cathie Martin regarding KJ. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 879-80 | E-mail from Michael Toner, dated 04/03/2006, to Cathie Martin regarding KJ. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 881 | Forwarded E-mail from Michael Toner, dated 06/13/2006, to Anton Reel, Stephanie Danis, and Melissa Laurenza regarding arrival ceremony for Prime Minister Junichiro Koizumi of Japan. | Purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 882 | Email from mtoner, dated 07/10/2006, to Sara Taylor asking for email address of AP reporter who accompanied them on July 4 th . | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 883-84 | E-mail from Michael Toner, dated 09/03/2006, to David Almay regarding C-SPAN callers and electorate. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 885-86 | E-mail from Michael Toner, dated 09/05/2006, to David Almay regarding C-SPAN callers. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 887-89 | E-mail from Michael Toner, dated 09/06/2006, to Chelsea M. Holden regarding holidays in August. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 890-97 | E-mail from Michael Toner, dated 01/24/2005, to Barbara J. Goergen and Susan B. Ralston regarding UVA Center for Politics scheduling for Karl Rove. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 898 | E-mail from Kathryn C. Jones, dated 01/26/2005, to mtoner addressing a list of all boards and commissions, and term expirations. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 899 | E-mail from Michael Toner, dated 01/27/2005, to Kathryn C. Jones regarding the Plum Book. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 900-04 | E-mail from Michael Toner, dated 02/01/2005, to Barbara J. Goergen regarding UVA Center for Politics, proposed dates for Karl Rove. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 905-15 | E-mail from Michael Toner, dated 02/18/2005, to Barbara J. Goergen and Susan B. Ralston regarding UVA Center for Politics, proposed dates for Karl Rove. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 916-27 | E-mail from Michael Toner, dated 02/18/2005, to Barbara J. Goergen, Susan B. Ralston, and Taylor A. Hughes regarding UVA Center for Politics, proposed dates for Karl Rove. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 928-39 | E-mail from Michael Toner, dated 03/19/2005, to Barbara J. Goergen regarding UVA Center for Politics, proposed dates for Karl Rove. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 940-52 | E-mail from Michael Toner, dated 03/29/2005, to Taylor A. Hughes regarding UVA Center for Politics, proposed dates for Karl Rove. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 953-55 | Forwarded E-mail from mtoner, dated 06/30/2005, regarding story from New York Post entitled 'Reform' Overreach, by Ryan Sager. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 956-58 | E-mail from Michael Toner, dated 08/25/2005, to Christopher J. Stokes regarding Christmas in August and list. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 959 | E-mail from Michael Toner, dated 10/04/2005, to Cathie Martin regarding television appearance. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 960-61 | E-mail from Michael Toner, dated 10/04/2005, to Michael E. Meece and Cathie Martin regarding top surrogate. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|---|--|
| 962 | E-mail from Michael Toner, dated 04/30/2004, to HMusser regarding UVA Center for Politics event. | Email addresses, names and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 963-64 | E-mail from Michael Toner, dated 08/30/2004, to Amanda Becker regarding Christmas in August. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 965-66 | E-mail from Michael Toner, dated 11/02/2004, to Heather W. Musser regarding exit data from Florida, national numbers. | Email addresses, names and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 967-68 | E-mail from Michael Toner, dated 11/02/2004, to Heather W. Musser regarding election night plans. | Email addresses, names and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 969-71 | E-mail from Michael Toner, dated 11/04/2004, to Michael E. Meece regarding Some Thoughts on the Meaning of the President's Victory (by Pete Wehner). | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 972 | E-mail from mtoner, dated 02/19/2003, to Jan E. Williams regarding thoughts on prospects for consideration for the new commission on election administration. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 973-74 | E-mail from mtoner, dated 02/20/2003, to Jan_E._Williams regarding thoughts on prospects for consideration for the new commission on election administration. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 975-76 | E-mail from mtoner, dated 05/29/2003, to Brian D. Montgomery thanking Brian for lunch and requesting Patrick Rhode's and Heather Musser's e-mail addresses. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--|
| 977-78 | Forwarded E-mail from Michael Toner, dated 06/16/2003, to KR asking if he would consider attending an event to raise funds for the UVA Center for Politics. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 979 | E-mail from mtoner, dated 06/23/2003, to Elizabeth Hogan regarding Fourth of July tickets. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 980-81 | E-mail from mtoner, dated 06/24/2003, to Karl Rove regarding preference on the UVA Center invite. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 982-84 | E-mail from Michael Toner, dated 06/25/2003, to Elizabeth_Hogan regarding July 4 th invitations and babies under 1 years of age. | Email addresses, names and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 985-86 | E-mail from mtoner, dated 06/24/2003, to Karl Rove regarding preference on the UVA Center invite. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 987-89 | E-mail from mtoner, dated 06/25/2003, to Elizabeth Hogan regarding July 4 th Invitations and babies under 1 years of age. | Email addresses, names and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 990-92 | E-mail from Michael Toner, dated 06/25/2003, to Elizabeth_Hogan expressing thanks and regarding July 4 th invitations and babies under 1 years of age. | Email addresses, names and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 993-95 | E-mail from Michael Toner, dated 06/26/2003, to Susan_B._Ralston regarding UVA Center for Politics. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 996-98 | E-mail from Michael Toner, dated 07/25/2003, to Susan_B._Ralston regarding UVA Center for Politics status of request. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|--|
| 999-1001 | E-mail from mtoner, dated 07/25/2003, to Susan_B._Ralston regarding UVA Center for Politics status of request. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1002-005 | E-mail from Michael Toner, dated 07/29/2003, to Susan_B._Ralston regarding UVA Center for Politics and further information on the proposal. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1006 | E-mail from Michael Toner, dated 12/16/2005, to Mike Davis regarding news. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1007 | E-mail from mtoner, dated 12/30/2005, to Sara Taylor asking when recess appointments will be made. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1008 | E-mail from mtoner, dated 12/30/2005, to Sara Taylor regarding appointments. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1009-010 | E-mail from Michael Toner, dated 08/13/2003, to Barbara J. Goergen regarding UVA Center for Politics, sending questions to Professor Larry Sabato. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1011-016 | E-mail from Michael Toner, dated 08/13/2003, to Barbara J. Goergen regarding UVA Center for Politics, sending questions to Professor Larry Sabato. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1017-020 | E-mail from Michael Toner, dated 09/12/2003, to Susan B. Ralston and Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1021-025 | E-mail from mtoner, dated 09/12/2003, to Susan B. Ralston and Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|----------------------------|--|--|--|
| 1026-030 | E-mail from Michael Toner, dated 09/22/2003, to Susan B. Ralston and Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1031-032 | E-mail from mtoner, dated 10/28/2003, to Susan B. Ralston and Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1033-034 | E-mail from Michael Toner, dated 11/22/2003, to Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1035-036 | E-mail from mtoner, dated 11/22/2003, to Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1037-039 | E-mail from Michael Toner, dated 11/22/2003, to Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1040-041 | E-mail from mtoner, dated 10/28/2003, to Susan B. Ralston and Barbara J. Goergen regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1042-043 | E-mail from Michael Toner, dated 11/25/2003, to Barbara J. Goergen and Susan B. Ralston regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1044-046 | E-mail from mtoner, dated 11/25/2003, to Barbara J. Goergen and Susan B. Ralston regarding UVA Center for Politics event. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1047-048 | E-mail from Michael Toner, dated 11/20/2002, to Elizabeth_Hogan regarding clerkships. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1049 | E-mail from Michael Toner, dated 12/09/2002, to Elizabeth_Hogan regarding Schedule C's in your office. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1050-051 | E-mail from mtoner, dated 12/09/2002, to Elizabeth_Hogan regarding Schedule C's in your office. | Email address and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1052- 054 | Email from Lawrence Calvert, dated 04/02/2008, to marcella_m._green regarding Bauerly's assignment of her limited partnership interest. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1055- 062 | Email from Heidi M. Smith, dated 10/04/2005, to mtoner regarding an appearance in the media. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1063- 064 | Email from David Almac, dated 03/07/2006, to mtoner regarding web clip discussing proposed New Jersey legislation. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1065 | Email from Catherine Martin, dated 04/03/2006, to kmartin and mtoner regarding recommendation. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1066- 076 | Email string from Michael Toner, dated 10/02/2006, to Caroline C. Hunter regarding C-SPAN report on voting election equipment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1077- 080 | Email string from Michael Toner, dated 10/27/2006, to Stephanie Wolson regarding conference call invitation. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1081 | Email from Michael Toner, dated 11/08/2006, to Caroline C. Hunter regarding election statistics. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1082 | Email from Jane Cherry, dated 11/30/2006, to undisclosed-recipients regarding prospective candidate under consideration for an administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1083 | Press account regarding election statistics, undated. | Not redacted. | Released without exemption claim. |
| 1084- 086 | Email string from Michael Toner, dated 08/23/2005, to Tim Griffin regarding possible vacant positions for a prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1087- 088 | Email from Heidi M. Smith, dated 10/04/2005, to mtoner regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1089- 093 | Email string from Michael Toner, dated 10/04/2005, to Michael E. Meece regarding Harriett Miers. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1094- 1100 | Email from Heidi M. Smith, dated 10/04/2005, to mtoner regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1101- 103 | Email string from Michael Toner, dated 10/05/2005, to Michael E. Meece regarding Harriett Miers. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1104 | Email from Heidi M. Smith, dated 10/04/2005, to mtoner regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1105- 1110 | Email string from Michael Toner, dated 10/05/2005, to Michael E. Meece regarding Harriett Miers. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1111- 114 | Email from Heidi M. Smith, dated 10/04/2005, to mtoner regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1115- 118 | Email string from Mark Wallace, dated 01/05/2004, to mtoner and Wesley Fricks regarding resume for prospective candidate for employment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1119 | Email from Michael Toner, dated 08/17/2004, to Elisabeth DeVos and Tjucas regarding contract information for Matthew Schlapp. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1120-122 | Email string from Amanda Becker, dated 08/30/2004, to mtoner regarding Christmas In August. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1123-131 | Email string from Michael Toner, dated 10/12/2004, to Heather W. Musser regarding agenda items. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1132-137 | Email string from Michael Toner, dated 10/13/2004, to Bradley E. Hester regarding dinner and White House tours. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1138-143 | Email string from Bradley E. Hester, dated 10/13/2004, to mtoner regarding White House tour request. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1144-169 | Email string from Michael Toner, dated 10/26/2004, to HMusser regarding agenda items. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1170-171 | Email from Michael Toner, dated 11/30/2005, to Michael Toner regarding forwarded email from Sara Taylor to Michael Toner and Tom Josefiak asking for reaction. | Email address redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1172 | Email from Mike Davis, dated 12/16/2005, regarding President's announcement of FEC Commissioner candidates. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1173-175 | Email from Mike Davis, dated 01/04/2005, to regarding President's recess appointments. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1176 | Email from Jay S. Zeidman, dated 06/13/2006, to redacted name and Vanessa J. Beebe regarding Arrival Ceremony for Prime Minister Junichiro Koizumi of Japan. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1177 | Email from Jay S. Zeidman, dated 07/18/2006, to redacted names and Joshua M. Siegel Intern regarding building the White House's database of upcoming conferences and conventions. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1178 | Email with attachment from Chelsea M. Holden, dated 08/25/2006, to mtoner and Chelsea M. Holden regarding holiday cards for political appointees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1179 | Email with attachments from Tim Griffin, dated 08/22/2005, to mtoner regarding a resume for possible employment with the FEC. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1180 | Email with attachment from Christopher J. Stokes, dated 08/25/2005, to mtoner, Amanda Becker, Luke Frans, and Jonathan D. Stone regarding appointees at the FEC who should receive holiday cards. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1181 | Email from Catherine Martin, dated 10/04/2005, to mtoner and kmartin regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1182 | Email from Heidi M. Smith, dated 10/04/2005, to mtoner regarding an appearance in the media. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1183 | Email from Michael E. Meece, dated 10/04/2005, to Catherine Martin and mtoner regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1184 | Email from Catherine Martin, dated 10/04/2005, to Michael E. Meece and mtoner regarding an appearance in the media. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1185 | Email from Heidi M. Smith, dated 03/19/2003, to mtoner regarding congratulations on the confirmation. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1186 | Email from Elizabeth Hogan, dated 11/19/2002, to Elizabeth Kim regarding clerkships. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1187- 188 | Email from Elizabeth Hogan, dated 11/22/2002, to Michael Toner regarding placement of candidates for clerkship positions. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1189 | Email from Michael Toner, dated 12/30/2005, to Mike Davis regarding possible career paths and opportunities for Mike Davis. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1190 | Email from Michael Toner, dated 12/29/2005, to Mike Davis regarding possible career opportunities for Mike Davis. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1191- 192 | Email from Mike Davis, dated 12/30/2005, to mtoner regarding possible career opportunities for Mike Davis. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1193 | Email from Heather W. Musser, dated 06/29/2004, to mtoner regarding response to an email address request. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1194 | Email from Heather W. Musser, dated 06/29/2004, to mtoner regarding response to an email address request. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1195 | Email from Michael Toner, dated 06/29/2004, to Heather W. Musser regarding response to an email address request. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| Fieger 1196 | Email from Michael Toner, dated 08/17/2004, to Elisabeth DeVos and Tjucas regarding contact information for Matthew Schlapp. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1197 | Email from Elisabeth DeVos, dated 08/06/2004, to Michael Toner regarding contact information for Matthew Schlapp. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1198 | Email from Michael Toner, dated 11/30/2004, to Dina Powell regarding resume for prospective candidate for a White House Counsel's Office position. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1199 | Email from Dina Powell, dated 11/30/2004, to mtoner and Harriet Miers regarding resume for prospective candidate for a White House Counsel's Office position. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1200 | Email from Michael Toner, dated 11/30/2004, to Dina Powell regarding resume for prospective candidate for a White House Counsel's Office position. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1201 | Email from Michael Toner, dated 03/29/2005, to Brett Kavanaugh regarding White House Group for spouses of Senate confirmed appointees. | Not redacted. | No exemption claimed. |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1202 | Email from Brett M. Kavanaugh, dated 04/04/2005, to mtoner regarding White House Group for spouses of Senate confirmed appointees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1203- 204 | Email from Michael Toner, dated 04/04/2005, to Brett M. Kavanaugh regarding White House Group for spouses of Senate confirmed appointees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1205 | Email from Mike Davis, dated 07/18/2005, to mtoner regarding thanks. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1206 | Email from Michael Toner, dated 07/18/2005, to Mike Davis regarding thanks. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1207 | Email from Michael Toner, dated 07/18/2005, to Mike Davis regarding thanks. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1208 | Email from Tim Griffin, dated 09/23/2005, to undisclosed-recipients regarding Tim griffin's last day at the White House and future contact information. | Email address and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1209 | Email from Mike Davis, dated 10/07/2005, to md regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1210 | Email from Mike Davis, dated 10/07/2005, to md regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1211 | Email from Mike Davis, dated 10/07/2005, to mtoner regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1212 | Email from Mike Davis, dated 10/07/2005, to mtoner regarding a candidate under consideration for an administration appointment. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1213 | Email from Mike Davis, dated 11/09/2005, to md regarding a candidate under consideration for an administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1214 | Email from Mike Davis, dated 12/05/2005, to md regarding for candidates for appointment to administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1215 | Email from Mike Davis, dated 12/15/2005, to md regarding candidates under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1216 | Email from Mike Davis, dated 01/20/2006, to md regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1217 | Email from Michael Toner, dated 01/20/2006, to Mike Davis regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1218 | Email from Mike Davis, dated 01/20/2006, to md regarding a candidate under consideration for an administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1219 | Email from Mike Davis, dated 01/24/2006, to md regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1220 | Email from Mike Davis, dated 01/30/2006, to md regarding a candidate under consideration for administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1221 | Email from Mike Davis, dated 02/03/2006, to md regarding personnel announcements. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1222 | Email from Carol Thompson, dated 02/01/2006, to Carol Thompson regarding last day at the White House and new position at the State Department. | Email address redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1223 | Email from Michael Toner, dated 03/08/2006, to David Almaco regarding web clip discussing proposed New Jersey legislation. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1224 | Email from David Almaco, dated 03/07/2006, to Michael Toner regarding web clip discussing proposed New Jersey legislation. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1225 | Email from Brandon S. Consolvo, dated 05/16/2008, to dpugh and Harold H. Kim regarding request for previous hearing transcripts and schedule for prep sessions. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1226 | Email from Brandon S. Consolvo, dated 05/16/2008, to dpugh and Harold H. Kim regarding delivery timeframe for requested previous hearing transcripts. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1227- 228 | Email from Brandon S. Consolvo, dated 05/16/2008, to dpugh regarding hearing transcripts to be sent and security clearance. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1229- 230 | Email from Brandon S. Consolvo, dated 05/16/2008, to dpugh regarding thank you for hearing transcripts, information requested for security clearance. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1231 | Email from Brandon S. Consolvo, dated 05/16/2008, to dpugh, Harold H. Kim, John G. Emling, and Brandon S. Consolvo regarding schedule of meetings for FEC Nominees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1232 | Email from Brandon S. Consolvo, dated 05/16/2008, to chunter, Cynthia.bauerly, dpugh, Harold H. Kim, and redacted email regarding schedule of meetings. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1233-34 | Email from Brandon S. Consolvo, dated 05/17/2008, to dpugh and Harold H. Kim regarding schedule of meetings. | Email addresses and non-responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1235- 236 | Email from Duane Pugh, dated 05/16/2008, to Brandon S. Consolvo and Harold H. Kim regarding transcripts from hearings. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1237 | Email from Brandon S. Consolvo, dated 05/17/2008, to dpugh, Harold H. Kim, and John G. Emling regarding scheduling for candidates under consideration for appointment in administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1238- 239 | Email from Duane Pugh, dated 05/19/2008, to Brandon S. Consolvo regarding updated schedule for FEC nominees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1240- 241 | Email from Brandon S. Consolvo, dated 05/19/2008, to dpugh and Harold H. Kim regarding scheduling for candidates under consideration for appointment in administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1242- 244 | Email from Duane Pugh, dated 05/19/2008, to Brandon S. Consolvo and Harold H. Kim regarding updated schedule for FEC nominees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1245 | Email from Harold H. Kim, dated 05/19/2008, to dpugh regarding scheduling for candidates under consideration for appointment in administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1246-47 | Email from Brandon S. Consolvo, dated 05/19/2008, to dpugh regarding hearing preparations for candidates under consideration for appointment in administration. | Email addresses and nonresponsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1248- 249 | Email from Duane Pugh, dated 05/16/2008, to Brandon S. Consolvo and Harold H. Kim regarding updated schedule for FEC Nominees. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1250 | Email from Brandon S. Consolvo, dated 05/19/2008, to Harold H. Kim regarding Feinstein meeting with candidate under consideration for appointment in administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1251 | Email from Brandon S. Consolvo, dated 05/19/2008, to donmcgahn and Harold H. Kim regarding meetings with candidate under consideration for appointment in administration. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1252 | Email from Brandon S. Consolvo, dated 05/19/2008, to dpugh, chunter, donmcgahn, cynthia bauerly, and Mari-Scarlett Mackey regarding meetings with candidates for appointment. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1253 | Email from Brandon S. Consolvo, dated 05/19/2008, to dpugh, Harold H. Kim, chunter, donmcgahn, cynthia bauerly, Mari-Scarlett Mackey, John G. Emling, and Brandon S. Consolvo regarding corrected schedule. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1254- 255 | Email from Brandon S. Consolvo, dated 05/19/2008, to Harold H. Kim and dpugh regarding questionnaire for candidate under consideration for appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1256 | Email from Brandon S. Consolvo, dated 05/19/2008, to dpugh regarding confirmation of attendance to meetings with candidates under consideration for appointment. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1257 | Email from Harold H. Kim, dated 05/19/2008, to dpugh regarding request for telephone conversation. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1258 | Email from Brandon S. Consolvo, dated 05/20/2008, to dpugh regarding reschedule of meetings with candidates under consideration for appointment. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1259- 261 | E-mail string between Brandon S. Consolvo, dated 05/20/2008, and dpugh, Harold H. Kim, chunter, donmcgahn, Cynthia Bauerly, Mari-Scarlett Mackey, Jogn G. Emling, and Brandon S. Consolvo regarding scheduling of meetings. | Email addresses redacted. . | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1262 | Email from Brandon S. Consolvo, dated 05/20/2008, to dpugh and Harold H. Kim regarding statement of EAC Chair. Email addresses redacted. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1263 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh and Harold H. Kim regarding Specter meetings. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1264-65 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh, Harold H. Kim, and Cynthia Bauerly regarding availability to meet. | Email addresses and purely personal discussion redacted. Non-responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1266 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh, Harold H. Kim, and Cynthia Bauerly regarding availability to meet. | Email addresses redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1267 | Nonresponsive. | | |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1268 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh regarding Walther's contact information. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1269-70 | Email from dpugh, dated 05/21/2008, to Brandon S. Consolvo regarding availability to meet. | Email addresses, purely personal discussion, and non-responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1271-73 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh, Harold H. Kim, and Cynthia Bauerly regarding availability to meet. | Email addresses, purely personal discussion, and non-responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1274-77 | Email string from Brandon S. Consolvo, dated 05/21/2008, to dpugh, Harold H. Kim, and Cynthia Bauerly regarding availability to meet. | Email addresses, purely personal discussion, and non-responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1278- 281 | Email string from Brandon S. Consolvo, dated 05/21/2008, to dpugh, Harold H. Kim, and Cynthia Bauerly regarding availability to meet. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|---|---|
| 1282 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh regarding Walther's contact information and scheduling. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1283 | Email from Brandon S. Consolvo, dated 05/21/2008, to dpugh regarding Senator Specter's meeting schedule. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1284 | Email from Harold H. Kim, dated 05/29/2008, to dpugh regarding out of office reply. Email addresses redacted. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1285 | Email from Brandon S. Consolvo, dated 06/12/2008, to Harold H. Kim and John G. Emling regarding nomination announcement. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1286-87 | Email string from Harold H. Kim, dated 06/18/2008, to Cynthia bauerly, dpugh, and Brandon S. Consolvo regarding Shays v. FEC materials. | Email addresses and non-responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1288- 291 | Email string from Michael Toner, dated 07/26/2005, to Michael E. Meece and Nathaniel Kraft regarding contact information for Jack L. Oliver. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1292 | Email from Harriet Miers, dated 10/03/2005, to mtoner regarding congratulations on Supreme Court nomination. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1293- 298 | Email string from Michael Toner, dated 10/06/2005 through 10/07/2005, to Mike Davis regarding a candidate under consideration for a Bush Administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1299 | Email from Julieanne H. Thomas, dated 06/07/2004, to mtoner regarding White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1300- 301 | Email string from Heather W. Musser, dated 06/07/2004, to mtoner regarding meeting. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1302- 308 | Email string from Michael Toner, dated 06/07/2004, to Julieanne H. Thomas regarding White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1309- 310 | Email string from Bradley E. Hester, dated 08/25/2004, to mtoner regarding resume for a prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1311- 319 | Email string from Heather W. Musser, dated 09/10/2004 through 10/11/2004, to mtoner regarding New York City convention. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1320- 321 | Email from Bradley E. Hester, dated 10/12/2004, to mtoner regarding resume for a prospective candidate for employment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1322 | Email from Michael Toner, dated 10/18/2004, to Catherine Martin and Kevin Martin regarding Supreme Court Order for lower court in Texas. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1323- 324 | Email string from Dina Powell, dated 11/30/2004, to mtoner, Liza Wright, and Virginia B. Saxton regarding resume for a prospective candidate | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1325- 326 | Email string from Dina Powell, dated 12/02/2004, to mtoner regarding Michael Toner's resume to be considered for appointment. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1327 | Email from Dina Powell, dated 12/07/2004, to mtoner and Amanda Becker regarding resume for a prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1311- 319 | Email string from Heather W. Musser, dated 12/22/2004, to mtoner regarding letter from the President. | Email addresses redacted. | Exemption 2 (information of a trivial nature) |
| 1330-31 | Email string from Michael Toner, dated 01/29/2003, to Adam_B._Goldman regarding White House Tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1332 | Nonresponsive | | |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1333 | Email string from Michael Toner, dated 01/30/2003, to Adam_B._Goldman regarding White House tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1334 | Nonresponsive | | |
| 1335- 337 | Email string from Michael Toner, dated 02/10/2003, to Adam_B._Goldman regarding White House tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1338- 340 | Nonresponsive | | |
| 1341 | Email string from Adam_B. Goldman, dated 02/12/2003, to mtoner regarding White House tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1342- 345 | Nonresponsive | | |
| 1346 | Email string from Michael Toner, dated 02/12/2003, to Adam_B._Goldman regarding White House tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1347- 350 | Nonresponsive | | |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1351 | Email string from John_D._Estes, dated 02/12/2003, to mtoner regarding White House tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1352- 355 | Nonresponsive | | |
| 1356- 357 | Email string from Michael Toner, dated 02/12/2003, to John_D._Estes regarding White House tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1358- 361 | Nonresponsive | | |
| 1362 | Email with attachment from Elizabeth Hogan, dated 02/14/2003, to mtoner regarding prospective candidate for clerkships. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1363 | Email from Blake Holcomb, dated 02/15/2003, to mtoner regarding West Wing tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1364- 365 | Email string with attachment from Michael Toner, dated 02/19/2003, to Elizabeth Hogan regarding prospective candidate for clerkships. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1366 | Email from Michael Toner, dated 02/19/2003, to Blake Holcomb regarding West Wing tour. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1367 | Email from Michael Toner, dated 06/26/2003, to David H. Hill regarding David Hill's contact information. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1368- 372 | Email string with attachment from John D. Estes, dated 06/30/2003, to mtoner regarding a White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1373 | Nonresponsive | | |
| 1374- 375 | Email string with attachment from Michael Toner, dated 07/16/2003, to Elizabeth Hogan regarding resume for a prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1376 | Email string from Michael Toner, dated 07/23/2003, to John D. Estes regarding a White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1377 | Nonresponsive | | |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1378 | Email string from John D. Estes, dated 07/23/2003, to mtoner regarding a White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1379- 383 | Nonresponsive | | |
| 1384- 385 | Email string from Michael Toner, dated 07/23/2003, to John D. Estes regarding a White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1386- 392 | Nonresponsive | | |
| 1393- 397 | Email string from Michael Toner, dated 07/31/2003, to Elizabeth Hogan regarding G8 attorneys needed and any recommendations would be appreciated. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1398- 1402 | Email string from John D. Estes, dated 09/11/2003, to mtoner regarding a White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1403- 418 | Email string from Dina Powell, dated 10/14/2003, to mtoner regarding scheduling a meeting. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1419 | Email from Michael Toner, dated 09/13/2002, to Elizabeth Hogan regarding prospective summer candidate for the White House. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1420 | Email from Michael Toner, dated 09/16/2002, to Elizabeth Hogan regarding prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1421 | Email from Michael Toner, dated 09/18/2002, to Elizabeth Hogan regarding reference check for prospective candidate. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1422 | Email from Michael Toner, dated 10/03/2002, to David H. Hill regarding reference check for prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1423- 430 | Email string from Joshua B. Bolten, dated 12/21/2002 through 12/30/2002, to mtoner, Keith Hennessey, Kristen Silverberg regarding prospective candidate for NEC. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1431 | E-mail from mtoner, dated 02/14/2003, to Elizabeth Hogan regarding clerkships for prospective candidate. | Email address and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1432- 449 | Email string with attachment from Michael Toner, dated 03/04/2003, to Elizabeth_Hogan regarding prospective candidate for summer clerkship. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1450 | Nonresponsive | | |
| 1451 | Email string with attachment from Elizabeth_Hogan, dated 03/04/2003, to mtoner regarding prospective candidate for summer clerkship. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1452 | Nonresponsive | | |
| 1453- 466 | Email string with attachments from Julieanne H. Thomas, dated 03/14/2003, to mtoner regarding request for picture of the President for relative's birthday gift. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1467- 475 | Email string with attachments from Heidi_M_Smith, dated 04/22/2003, to mtoner regarding request for an e-mail address. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1476- 479 | Email string with attachments from Adam B. Goldman, dated 04/24/2003, to mtoner regarding scheduling a breakfast meeting. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1480 | Email from Michael Toner, dated 04/30/2003, to Eric_W._Terrell regarding scheduling a meeting. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1481 | Email from Heidi_M._Smith, dated 05/19/2003, to mtoner regarding request for colleague's phone number. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1482- 485 | Email string from Elizabeth_Hogan, dated 06/09/2003, to mtoner regarding a colleague's promotion in the Small Business Administration. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1486 | Nonresponsive | | |
| 1487 | Email from Michael Toner, dated 06/19/2003, to Elizabeth_Hogan regarding attorney recommendations for open position at HHS. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1488-491 | Email string from Elizabeth_Hogan, dated 06/20/2003, to mtoner regarding prospective candidate for open position at HHS. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1492 | Email from Michael Toner, dated 11/22/2002, to Allison_M._Harden regarding Harden's new position with Congressman Chocola. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1493- 494 | Email from Michael Toner, dated 11/22/2002, to Elizabeth_Hogan, regarding summer clerkship positions being filled. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1495- 498 | Email string from David_H._Hill, dated 10/03/2002, to mtoner regarding prospective candidate's resume and employment options. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1499- 1503 | Email string from Elizabeth_Hogan, dated 10/07/2002, to mtoner regarding a prospective candidates resume for possible employment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1504 | E-mail from Michael Toner, dated 06/27/2003, to John_D._Estes regarding request for White House tour. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1505 | Email from Heidi_M._Smith, dated 04/22/2003, to mtoner regarding request for an e-mail address. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1506 | E-mail from Michael Toner, dated 04/15/2003, to Kmehlman regarding recommendation for prospective candidate. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1507 | Email from Michael Toner, dated 02/14/2003, to Elizabeth_Hogan, regarding prospective candidate for clerkships. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1508- 509 | Email string from Heather W. Musser, dated 09/10/2004, to mtoner regarding New York City convention. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1510 | Email from Michael Toner, dated 01/26/2005, to KJones, regarding boards and commissions spreadsheets. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1511 | Email from Michael Toner, dated 10/18/2005, to Melissa_R._Price, regarding congratulations on your new position. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1512 | Nonresponsive | | |
| 1513 | Email from Michael Toner, dated 10/18/2005, to Melissa_R._Price, regarding congratulations on your new position. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1514 | Nonresponsive | | |
| 1515- 517 | Email string from Michael Toner, dated 11/03/2005, to Mike Davis regarding a candidate under consideration for a Bush Administration appointment. | Email addresses and purely personal discussion redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1518-20 | E-mail string between Mike Davis and Michael Toner dated 11/09/05 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1521-22 | E-mail string between Michael Toner and Sara Taylor dated 11/15/05 regarding White House Christmas party. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1523-24 | Email string from mtoner to Sara Taylor, copying Ken Mehlman, dated 11/14/05. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1525 | E-mail string between Mike Davis and Michael Toner dated 11/16/05 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1526 | E-mail string between Mike Davis and Michael Toner dated 11/16/05 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1527 | E-mail string between Mike Davis and Michael Toner dated 12/05/05 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1528-29 | E-mail string between Mike Davis and Michael Toner dated 12/06/05 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1530 | E-mail between Michael Toner and Mike Davis, dated 1/9/06, regarding candidates under consideration for appointment to administration. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1531 | E-mail string between Mike Davis and Michael Toner dated 1/09/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|---|
| 1532-33 | E-mail string between Mike Davis and Michael Toner dated 1/20/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1534-35 | E-mail string between Jane Cherry and Michael Toner dated 03/30/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1536-37 | E-mail string between Jane Cherry and Michael Toner dated 5/17/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1538-40 | E-mail string between Jane Cherry and Michael Toner dated 7/13/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1541-43 | E-mail string between Jane Cherry and Michael Toner dated 7/18/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1544-45 | E-mail string between Jane Cherry and Michael Toner dated 8/17/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1546-47 | E-mail string between Jane Cherry and Michael Toner dated 8/29/06 regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1548 | E-mail from Dina Powell to Michael Toner, dated 7/18/06, regarding candidates under consideration for appointment to administration. | Email address redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1549 | E-Mail from Michael Toner to Melissa Price, dated 3/17/05, regarding congratulations on new job. | Email address redacted. Non responsive document redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1550-55 | Email string between Michael Toner and Heather Musser, dated 11/01/2004, regarding election day results. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1556 | Email from Heather Musser to Michael Toner, dated 11/02/2004, regarding election day results. | Email address redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1557-58 | Email string between Michael Toner and Heather Musser, dated 11/02/2004, regarding election day results. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1559-60 | Email string between Michael Toner and Heather Musser, dated 11/03/2004, regarding election day results. | Email address, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|---|---|
| 1561-62 | Email from Dina Powell to Michael Toner, dated 11/30/04, regarding candidates under consideration for appointment to administration. | Email address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1563-66 | Email string between Nicolle Devenish and Michael Toner, dated 1/7/2003, regarding candidates under consideration for appointments in the administration. | Email address, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) |
| 1567-84 | Email string between Michael Toner and Elizabeth Hogan, dated 1/13/03, regarding candidates for potential clerkships. | Email address, names, and purely personal discussion redacted. Non-responsive documents redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1585-91 | E-mail string between Michael Toner and Adam Goldman, dated 1/28/03, regarding White House tours and dinner plans. | Email addresses, names, and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1592 | E-mail from Michael Toner to Heidi Smith, dated 3/21/03, congratulations regarding confirmation. | Email addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1593 | E-mail from Michael Toner to Eric Terrell, dated 5/21/03, regarding policy manual. | Email addresses redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1594 | E-mail string between Heidi Smith, Melissa Laurenza, Elizabeth Hogan, and Michael Toner discussing and attaching press article regarding "WI Straw Poll Results." | Email addresses and non-responsive material redacted. | Exemption 2 (information of a trivial nature) Exemption 6 (unwarranted invasion of personal privacy) |
| 1599-1604 | E-mail string between Elizabeth Hogan and Michael Toner, dated 6/23/2003, regarding candidates under consideration for employment in administration. | E-mail address, names, purely personal discussion, and non-responsive pages redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1605-1627 | Email string between Michael Toner and Elizabeth Hogan dated 6/23/09 regarding 4th of July invitations/tickets to White House, including logistics, RSVPs and thank-you emails. | E-mail address, names, and non-responsive pages, and purely personal discussions redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1628-31 | Email string between Bradley Hester and Michael Toner, dated 8/1/2003, regarding candidates under consideration for employment in administration. | E-mail address and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1632-1634 | Email string between Michael Toner and Elizabeth Hogan, dated 6/26/09 regarding 4th of July invitations/tickets to White House. | E-mail address, names, and non-responsive pages redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|---|
| 1635-38 | Email string between Dina Powell and Michael Toner, dated 10/29/02, regarding candidates under consideration for appointment to administration. | E-mail addresses and non-responsive pages redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1639-42 | Email string between Jan Williams and Michael Toner, dated 11/8/09 regarding candidates under consideration for appointment to administration. | E-mail address, phone numbers, and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1643-46 | E-mail string between Elizabeth Hogan and Michael Toner, dated 11/12/02 regarding candidate for agency openings. | E-mail address, phone numbers, names redacted. Non-responsive document redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1647-86 | E-mail string between Dorothy Gavin and Michael Toner, dated 11/27/02, regarding holiday tours at the White House. This includes duplicate copies of email. | E-mail address, phone numbers, names, and purely personal discussions redacted. Non-responsive documents redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1687-92 | E-mail string between Elizabeth Hogan and Michael Toner, dated 12/6/02, regarding candidates under consideration for appointment to administration. | E-mail address, phone numbers, and names redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|---|---|
| 1693-95 | E-mail string between Dorothy C. Gavin and Michael Toner, dated 12/18/02, regarding White House holiday tours. | E-mail addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1696 | E-mail from Michael Toner and Nicolle Devenish, dated 10/29/02, regarding candidates under consideration for appointment to administration. | E-mail address, phone numbers, names, and purely personal discussions redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1697-1700 | Email string between Adam Goldman and Michael Toner, dated 12/20/02, regarding candidates under consideration for appointment to administration. | E-mail addresses and purely personal discussion redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1701-02 | E-mail sting between Michael Toner and Nicolle Devenish, dated 12/20/02, regarding candidates under consideration for appointment to administration. | E-mail address, phone numbers, names, and purely personal discussions redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| 1703-04 | Email string between Adam Goldman and Michael Toner, dated 12/20/02, regarding candidates under consideration for appointment to administration. | E-mail address, phone numbers, names, and purely personal discussions redacted. | Exemption 6 (unwarranted invasion of personal privacy) Exemption 2 (information of a trivial nature) |
| Category | General Counsel Reports | Documents withheld. | Exemption 7(A) (interference with enforcement proceeding); |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|----------------------------|---|--|--|
| Category | Email between FEC counsel | Documents withheld. | Exemption 7(A) (interference with enforcement proceeding) |
| Category | Logs describing phone conversations created by FEC counsel. | Documents withheld. | Exemption 7(A) (interference with enforcement proceeding) |
| Category | Investigative reports | Documents withheld. | Exemption 7(A) (interference with enforcement proceeding) |
| Category | Correspondence between counsel at FEC and counsel at DOJ. | Documents withheld. | Exemption 7(A) (interference with enforcement proceeding) |
| Category | Individual names, addresses or phone numbers contained in Federal Election Commission's investigative file (e.g., respondents or witnesses). | Documents withheld. | Exemption 7(C) (unwarranted invasion of personal privacy) |
| DOJ Crim Schedule # 3 | Email, dated 1-25-08, from attorney at Criminal Division to attorney at Federal Election Commission; 1 page, regarding declaration for criminal case. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 4 | Email, dated 9-22-07, from attorney at Federal Election Commission to attorney at Criminal Division; 1 page, regarding letter requesting witness for criminal case. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|--------------------------|
| DOJ Crim Schedule # 5 | Letter, dated 9-22-07, from attorney at Criminal Division to attorney at Federal Election Commission; 2 pages, regarding witness for criminal case. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 6 | Email, dated 12-19-07, from attorney at Criminal Division to attorney at Federal Election Commission; 1 page regarding evidence. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 7 | Emails, dated 10-27-07, from attorney at Criminal Division to attorney at Federal Election Commission; 3 pages, regarding scheduling. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 8 | Email w/ attachment, dated 10-5-07, from attorney at Criminal Division to attorney at Federal Election Commission regarding scheduling, research, and request for certified records (4 pages). Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). Document withheld in part pursuant to 5 U.S.C. 552(b)(6) and (7)(C). | Document withheld. | Exemption 5, 6, and 7(C) |
| DOJ Crim Schedule # 9 | Emails, dated 12-17-07, from Audra Wassom, attorney at Federal Election Commission, to Kendall Day, attorney in Criminal Division, 3 pages, regarding FEC witness. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|------------------|
| DOJ Crim Schedule # 10 | Emails, dated 1-14-08, from Audra Wassom, attorney at Federal Election Commission, to Kendall Day attorney in Criminal Division, 3 pages regarding records certifications. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 11 | Email, dated 1-23-08, from Kendall Day, attorney in Criminal Division to Audra Wassom, attorney at Federal Election Commission, 1 page regarding FEC witness. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 12 | Emails, dated 10-23-07, from Kendall Day, attorney in Criminal Division to Audra Wassom, attorney at Federal Election Commission, 4 pages regarding FEC witness. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 13 | Emails, dated 2-25-08, from Kendall Day, attorney in Criminal Division to Audra Wassom, attorney at Federal Election Commission, 6 pages regarding FEC witness. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 14 | Emails, dated 10-19-07, from Kendall Day, attorney at Criminal Division, to Audra Wassom, attorney at Federal Election Commission, 4 pages regarding contribution histories and witness. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|------------------|
| DOJ Crim Schedule # 15 | Email, dated 9-16-07 from Kendall Day, attorney in Criminal Division to Audra Wassom, attorney at Federal Election Commission, 1 page, regarding legal issue and discussing conciliation agreements. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 16 | Email, dated 10-03-07, from Madelynn Lane in the Reports Analysis Division of Federal Election Commission to Kendall Day, attorney in Criminal Division, 1 page, regarding availability. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 17 | Email, dated 9-17-07, from Audra Wassom, attorney at Federal Election Commission, to Kendall Day attorney in Criminal Division, 1 page, discussion regarding legal issue. Withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 18 | Email, dated 10-02-07, from Audra Wassom attorney at Federal Election Commission to Kendall Day Attorney at Criminal Division, 1 page, regarding records certification. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 19 | Email, dated 10-01-07, from Audra Wassom, attorney at Federal Election Commission, to Kendall Day attorney in Criminal Division, 1 page regarding trial witnesses. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|--|--|------------------|
| DOJ Crim Schedule # 20 | Emails, dated 10-12-07, from Kendall Day attorney in Criminal Division to attorney at Federal Election Commission, 2 pages regarding trial witnesses. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 21 | Email, dated 2-27-08, from Audra Wassom, attorney at Federal Election Commission to Audra Wassom, attorney at Criminal Division, 2 pages regarding scheduling. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 22 | Emails, dated 3-21-08, from Audra Wassom, attorney at Federal Election Commission to Kendall Day, attorney Criminal Division, 2 pages regarding trial subpoena. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 23 | Emails, dated 4/16/08, from Audra Wassom, attorney at Federal Election Commission, to Kendall Day, attorney in Criminal Division, 2 pages, regarding trial subpoena. Document withheld in full pursuant to 5 U.S.C. § 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 24 | Email dated 3-14-08, from Kendall Day, attorney in Criminal Division to Audra Wassom, attorney for Federal Election Commission, 1 page regarding scheduling. Document withheld in full pursuant to 5 U.S.C. 552(b)(5). | Document withheld. | Exemption 5 |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|--------------------------------|---|--|----------------------|
| DOJ Crim Schedule # 25 | Emails, dated 3-31-08, from Kendall Day attorney at Criminal Division, to Audra Wassom, attorney at Federal Election Commission, 6 pages witness for criminal trial. Document withheld in full pursuant to 5 U.S.C. 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 26 | Emails, dated 7-25-08, from Audra Wassom, attorney at Federal Election Commission, to Kendall Day attorney at Criminal Division, 4 pages, regarding scheduling. Document withheld in full pursuant to 5 U.S.C. 552(b)(5). | Document withheld. | Exemption 5 |
| DOJ Crim Schedule # 27 | Letter with attachment, dated 1-25-08, from Kendall Day, attorney at Criminal Division, to Audra Wassom, attorney at Federal Election Commission, 6 pages, regarding request for declaration. Document withheld in full pursuant to 5 U.S.C. 552(b)(5). | Document withheld. | Exemption 5 |
| EOUSA # 1 | Email, dated 2-06-07, from Peter Caplan, attorney at United States Attorney's Office, to Ben Streeter, attorney at Federal Election Commission regarding status of Fieger related cases. | Document withheld | Exemption 5 and 7(C) |
| DOJ Civil # 1 | Email, dated 1-29-06, from Eric Fleisig-Greene, attorney at DOJ Civil Division, to Greg Mueller, attorney at Federal Election Commission regarding draft brief. | Document withheld | Exemption 5 |
| DOJ Civil # 2 | Email, dated 1-30-08, from Eric Fleisig-Greene, attorney at DOJ Civil Division to Greg Mueller, attorney at Federal Election Commission, regarding draft brief. | Document withheld | Exemption 5 |

| Bates Number Fieger | Document Description | Information Withheld Under Claim of Exemption | Exemption |
|----------------------------|---|--|------------------|
| DOJ Civil # 3 | Email, 4-09-08, from Eric Fleisig-Greene, attorney at DOJ Civil Division, to Greg Mueller, attorney at Federal Election Commission regarding draft brief. | Document withheld | Exemption 5 |
| DOJ Civil # 4 | Email, 4-15-09, from Eric Fleisig-Greene, attorney at DOJ Civil Division to Greg Mueller, attorney at Federal Election Commission regarding draft brief. | Document withheld | Exemption 5 |
| DOJ Civil # 5 | Email, 4-17-09, from Eric Fleisig-Greene, attorney at DOJ Civil Division, to Greg Mueller, attorney at Federal Election Commission regarding draft brief. | Document withheld | Exemption 5 |
| DOJ Civil # 6 | Email, 7-25-08, from Eric Fleisig-Greene, attorney at DOJ Civil Division, to Greg Mueller, attorney at Federal Election Commission regarding draft brief. | Document withheld | Exemption 5 |