

# **EXHIBIT C**



ABRAMS INSTITUTE FOR FREEDOM OF EXPRESSION

## Yale Law School

October 5, 2021

Director, Office of Information Policy (OIP)  
United States Department of Justice  
441 G Street, NW, 6th Floor  
Washington, D.C. 20530

RE: Administrative Appeal of FOIPA Request No. NFP-131134

Dear Sir or Madam:

We represent Ryan Goodman in connection with the above-captioned Freedom of Information Act (“FOIA”) request (the “Request”) and write to administratively appeal its denial by the Federal Bureau of Investigation (“FBI”).

Counsel for Mr. Goodman submitted the Request on Mr. Goodman’s behalf on September 23, 2021. The Request seeks access to records of communications the FBI may have had with Facebook, Twitter, Google, YouTube or Parler in advance of the January 6, 2021 violence at the U.S. Capitol. A copy of the Request is attached as Exhibit A. The FBI denied the request on September 29, 2021, claiming the Request “does not provide enough detail,” “seeks information in vague and undefined terms,” and is “overly broad in scope.” A copy of the FBI’s letter denying the Request is attached as Exhibit B.

The Request comports fully with FOIA and the Department of Justice regulations and was improperly denied. It undeniably provides sufficient detail to enable personnel to locate the requested records “with a reasonable amount of effort.” *See* 28 CFR § 16.3(b). Because the Request makes “reasonably clear” the materials desired, “FOIA’s text and legislative history make plain the agency’s obligation to bring them forth.” *Truitt v. Department of State*, 897 F.2d 540, 544 (D.C. Cir. 1990).

Indeed, the Request could not have been more clear and precise. It requests electronic correspondence and attachments disseminated during a limited time period, sent or received from one of six specific email domains, that contain one or more identified keywords. The request is clear, precise and requires no exercise of judgment or discretion to locate responsive records. The FBI’s further objection that the Request is “overly broad” is no justification for its refusal to search—FOIA “puts no restrictions on the quantity of records that may be sought.” *Tereshchuk v. Bureau of Prisons*, 67 F. Supp. 3d 441, 455 (D.D.C. 2014). In short, the FBI’s refusal to locate and produce the records is improper.



As previously made clear, there is an urgent need for disclosure of these records and expedited processing should be required. A copy of our letter establishing the basis for expedited processing is attached as Exhibit C. For the same reasons laid out in that letter, this appeal warrants expedited processing: the information requested is sought by a requester “primarily engaged in disseminating information,” and there is “urgency to inform the public about an actual or alleged Federal Government activity.” 28 C.F.R. § 16.5(e)(1)(ii).

Please address this appeal expeditiously and produce the requested records within ten (10) working days pursuant to 28 C.F.R. § 16.5(a). Thank you for your attention to this matter.

Sincerely,

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