

1 D. Victoria Baranetsky (SBN 311892)
2 THE CENTER FOR INVESTIGATIVE REPORTING
3 1400 65th St., Suite 200
4 Emeryville, CA 94608
5 Telephone: (510) 982-2890
6 Fax: (510) 849-6141
7 vbaranetsky@revealnews.org

8 Attorney for Plaintiffs

9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 THE CENTER FOR INVESTIGATIVE)
14 REPORTING and ANAYANSI DIAZ-CORTES,)
15)
16 Plaintiffs,)
17)
18 v.)
19)
20 U.S. DEPARTMENT OF JUSTICE and U.S.)
21 DEPARTMENT OF STATE,)
22)
23 Defendants.)

Case No. _____

24 I, D. Victoria Baranetsky, declare:

25 1. I am an attorney of record for the Plaintiffs in this matter and a member in good
26 standing of the California State Bar, and I am admitted to practice before this Court. I have personal
27 knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify
28 to all matters set forth herein.

2. I am General Counsel at The Center for Investigative Reporting, which is a nonprofit
established under the laws of California with its principal place of business in Emeryville, CA.

3. Attached hereto as Exhibit A is a true and correct copy of the following press release:
U.S. Department of Justice, *Joint Statement by Attorney General of the United States William P.
Barr and Fiscalía General of Mexico Alejandro Gertz Manero* (Nov. 17, 2020),
<https://www.justice.gov/opa/pr/joint-statement-attorney-general-united-states-william-p-barr-and->

1 fiscal-general-mexico.

2 4. Attached hereto as Exhibit B is a true and correct copy of the following website:
3 Secretaría de Relaciones Exteriores, *Información sobre el caso del general retirado Salvador*
4 *Cienfuegos Zepeda*, Jan. 15, 2021, [https://www.gob.mx/sre/prensa/informacion-sobre-el-caso-del-](https://www.gob.mx/sre/prensa/informacion-sobre-el-caso-del-general-retirado-salvador-cienfuegos-zepeda)
5 [general-retirado-salvador-cienfuegos-zepeda](https://www.gob.mx/sre/prensa/informacion-sobre-el-caso-del-general-retirado-salvador-cienfuegos-zepeda).

6 5. Attached hereto as Exhibit C are true and correct copies of documents published
7 online by the Mexican foreign ministry on January 15, 2021, at the following URL:
8 [https://www.gob.mx/cms/uploads/sre/informacion_recibida_por_la_sre_sobre_el_caso_del_general](https://www.gob.mx/cms/uploads/sre/informacion_recibida_por_la_sre_sobre_el_caso_del_general_retirado_salvador_cienfuegos_zepeda.pdf)
9 [_retirado_salvador_cienfuegos_zepeda.pdf](https://www.gob.mx/cms/uploads/sre/informacion_recibida_por_la_sre_sobre_el_caso_del_general_retirado_salvador_cienfuegos_zepeda.pdf).

10 6. Attached hereto as Exhibit D is a true and correct copy of the following news article:
11 Mark Hosenball & Anthony Esposito, *U.S. 'deeply disappointed' Mexico closed probe of ex-defense*
12 *minister*, Reuters (Jan. 16, 2021), [https://www.reuters.com/world/americas/us-deeply-](https://www.reuters.com/world/americas/us-deeply-disappointed-mexico-closed-probe-ex-defense-minister-2021-01-16)
13 [disappointed-](https://www.reuters.com/world/americas/us-deeply-disappointed-mexico-closed-probe-ex-defense-minister-2021-01-16)
[mexico-closed-probe-ex-defense-minister-2021-01-16](https://www.reuters.com/world/americas/us-deeply-disappointed-mexico-closed-probe-ex-defense-minister-2021-01-16).

14 7. Attached hereto as Exhibit E is a true and correct copy of the following news article:
15 Kate Linthicum, *U.S. rebukes Mexico for releasing evidence in drug case against former defense*
16 *minister*, L.A. Times (Jan. 16, 2021), [https://www.latimes.com/world-nation/story/2021-01-16/u-s-](https://www.latimes.com/world-nation/story/2021-01-16/u-s-rebuked-mexico-evidence-drug-case-former-defense-minister)
17 [rebukes-mexico-evidence-drug-case-former-defense-minister](https://www.latimes.com/world-nation/story/2021-01-16/u-s-rebuked-mexico-evidence-drug-case-former-defense-minister).

18 8. Attached hereto as Exhibit F is a true and correct copy of the following news article:
19 Christopher Sherman, *Mexico's president continues to blast US investigation*, Associated Press (Jan.
20 18, 2021), <https://apnews.com/article/latin-america-mexico-7b6d9f8899c54b5e1f62f33da5beccc3>.

21 9. Attached hereto as Exhibit G is a true and correct copy of the FOIA request submitted
22 by Plaintiffs to the Department of Justice, Criminal Division (“DOJ-CRM”) on August 7, 2021,
23 seeking disclosure of records related to the Mexican government’s request for legal assistance
24 regarding the U.S. criminal investigation against Salvador Cienfuegos Zepeda (hereinafter “DOJ-
25 CRM Request”).

26 10. Attached hereto as Exhibit H is a true and correct copy of the FOIA denial letter sent
27 to Plaintiffs by the DOJ-CRM regarding the DOJ-CRM Request on September 21, 2021 (hereinafter
28 “DOJ-CRM Denial”).

1 11. Attached hereto as Exhibit I is a true and correct copy of the administrative appeal
2 letter Plaintiffs sent to the U.S. Justice Department, Office of Information Policy (“DOJ-OIP”) by
3 certified mail on November 2, 2021, regarding the DOJ-CRM Denial as well as another FOIA request
4 discussed below (hereinafter “Combined DOJ Appeal”).

5 12. Attached hereto as Exhibit J is a true and correct copy of the email and letter DOJ-
6 OIP sent to Plaintiffs on November 22, 2021, acknowledging receipt of the portion of the Combined
7 DOJ Appeal pertaining to the DOJ-CRM Denial.

8 13. Attached hereto as Exhibit K is a true and correct copy of the FOIA request submitted
9 by Plaintiffs to the Drug Enforcement Administration (“DEA”) on August 7, 2021, seeking
10 disclosure of records related to the Mexican government’s request for legal assistance regarding the
11 U.S. criminal investigation against Salvador Cienfuegos Zepeda (hereinafter “DEA Request”).

12 14. Attached hereto as Exhibit L is a true and correct copy of the email sent to Plaintiffs
13 by the DEA on August 9, 2021, acknowledging receipt of the DEA Request.

14 15. Attached hereto as Exhibit M is a true and correct copy of the FOIA denial letter sent
15 to Plaintiffs by the DEA regarding the DEA Request (hereinafter “DEA Denial”), which is dated
16 October 22, 2021 and sent to Plaintiffs by email on October 25, 2021.

17 16. Attached hereto as Exhibit N is a true and correct copy of the email and letter DOJ-
18 OIP sent to Plaintiffs on November 22, 2021, acknowledging receipt of the portion of the Combined
19 DOJ Appeal pertaining to the DEA Denial.

20 17. Attached hereto as Exhibit O is a true and correct copy of the FOIA request submitted
21 by Plaintiffs to the Executive Office of U.S. Attorneys (“EOUSA”) on August 7, 2021, seeking
22 disclosure of records related to the Mexican government’s request for legal assistance regarding the
23 U.S. criminal investigation against Salvador Cienfuegos Zepeda (hereinafter “EOUSA Request”).

24 18. Attached hereto as Exhibit P is the FOIA acknowledgment letter sent by EOUSA to
25 Plaintiffs on August 18, 2021.

26 19. Attached hereto as Exhibit Q is a true and correct copy of the FOIA request submitted
27 by Plaintiffs to the Department of State (“DOS”) on August 7, 2021, seeking disclosure of records
28 related to the Mexican government’s request for legal assistance regarding the U.S. criminal

1 investigation against Salvador Cienfuegos Zepeda (hereinafter “DOS Request”).

2 20. Attached hereto as Exhibit R is a true and correct copy of the email sent by DOS to
3 Plaintiffs on August 17, 2021, acknowledging receipt of the DOS Request.

4 21. I declare under penalty of perjury of the laws of the State of California that the
5 foregoing is true and correct to the best of my knowledge and belief.

6
7 Executed December 13, 2021 in Emeryville, California.

8
9 s/ D. Victoria Baranetsky
D. Victoria Baranetsky

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28