

Exhibit G



Dara Gray <dgray@revealnews.org>

Fwd: Freedom of Information Act Request Acknowledgement – Tracking No. 897123

Dara Gray <dgray@revealnews.org>
To: Dara Gray <dgray@revealnews.org>

Tue, Nov 15, 2022 at 3:55 PM

----- Forwarded message -----

From: **Alexandra Gutierrez** <agutierrez@revealnews.org>

Date: Fri, Dec 11, 2020 at 4:41 PM

Subject: Re: Freedom of Information Act Request Acknowledgement – Tracking No. 897123

To: OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov>

Cc: Victoria Baranetsky <vbaranetsky@revealnews.org>, Will Evans <wevans@revealnews.org>, Hicks, Thomas - SOL <Hicks.Thomas@dol.gov>

VIA EMAIL

Doris Lissette Geán
FOIA Manager
Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
OFCCP_NO_FOIA@dol.gov

Re: Freedom of Information Act Request Acknowledgement – Tracking No. 897123

Dear Ms. Geán:

We are following up on your e-mail correspondence dated November 7, 2020, and we write seeking an update as to the status of FOIA Request No. 897123. We would also like to remind the Department that Judge Westmore’s opinion remains in effect, *see Ctr. for Investigative Reporting v. U.S. Dep’t of Labor*, 424 F. Supp. 3d 771 (N.D. Cal. 2019), as a stay was granted only as to Synopsys’s records, *see Ctr. for Investigative Reporting v. U.S. Dep’t of Labor*, No. 4:19-CV-01843-KAW, ECF No. 79 (July 20, 2020). Unless and “until its decision is reversed for error by orderly review, either by itself or by a higher court, its orders based on its decision are to be respected.” *United States v. Mine Workers*, 330 U.S. 258, 294 (1947) (citation omitted).

Again, thank you for your assistance for this matter. We look forward to the expeditious fulfillment of the request and to the avoidance of unnecessary litigation.

Sincerely,

Alexandra M. Gutierrez

cc: D. Victoria Baranetsky, General Counsel, Center for Investigative Reporting
Will Evans, Report, Center for Investigative Reporting
Thomas Hicks, DOL FOIA Public Liaison

enc: PDF copy

On Sat, Nov 7, 2020 at 1:50 PM OFCCP NO FOIA <OFCCP_NO_FOIA@dol.gov> wrote:

Good afternoon Ms. Gutierrez,

We acknowledge receipt of your email/letter. We are reviewing it and will get back to them shortly.

Thank you,

D. Lissette Geán

FOIA Manager

Office of Federal Contract Compliance Programs

From: Alexandra Gutierrez <agutierrez@revealnews.org>

Sent: Friday, October 30, 2020 8:56 PM

To: OFCCP NO FOIA <OFCCP_NO_FOIA@DOL.GOV>

Cc: Victoria Baranetsky <vbaranetsky@revealnews.org>; Will Evans <wevans@revealnews.org>; Hicks, Thomas - SOL <Hicks.Thomas@dol.gov>

Subject: Re: Freedom of Information Act Request Acknowledgement – Tracking No. 897123

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VIA EMAIL

Doris Lissette Geán

FOIA Manager

Department of Labor

200 Constitution Avenue, N.W.

Washington, D.C. 20210

OFCCP_NO_FOIA@dol.gov

Re: Freedom of Information Act Request Acknowledgement – Tracking No. 897123

Dear Ms. Geán:

We received your letter dated October 2, 2020, acknowledging FOIA Request No. 897123 made by Center for Investigative Reporting ("CIR") reporter Will Evans. That request seeks a spreadsheet of all consolidated (Type 2) EEO-1 reports for all federal contractors for 2018, and it is a follow-on request to FOIA Request No. 875877 (seeking same for 2017) and 872421 (same for 2016).

CIR understands that the Department of Labor intends to act in contravention of a federal court decision and grant EEO-1 submitters the opportunity to object in writing to disclosure of information pertaining to them. CIR would like to remind DOL that, just last year, Judge Westmore addressed CIR's request for 2016 EEO-1 report data and concluded that the "Government was not justified in applying Exemption 4" to this information, requiring the EEO-1 reports to "be produced unredacted." *Ctr. for Investigative Reporting v. U.S. Dep't of Labor*, 424 F. Supp. 3d 771, 779 (N.D. Cal. 2019).

The Government chose not to appeal this still-binding ruling. See *Ctr. for Investigative Reporting v. U.S. Dep't of Labor*, No. 4:19-CV-01843-KAW, 2020 WL 554001, at *1 (N.D. Cal. Feb. 4, 2020) (noting DOL's decision "that it would not be appealing the December 10, 2019 order"). Moreover, all but one of the relevant EEO-1 submitters decided against intervention. Although the District Court has permitted a single third party, Synopsys, Inc., to intervene for the limited purpose of appealing the December 10, 2019 order, see *Ctr. for Investigative Reporting v. U.S. Dep't of Labor*, No. 4:19-CV-01843-KAW, ECF No. 79 (July 20, 2020), the Government has indeed noticed an intention to cross-appeal and oppose that intervention, see *id.*, ECF No. 93 (Sept. 18, 2020). The December 10, 2019 order generally remains in effect, as the parties, including the Government, stipulated that it would only be stayed as to the "disclosure of the requested Synopsys information." *Id.*, ECF No. 87, ¶ 2 (July 28, 2020).

Given the continuing force of the December 10, 2019 order and the Government's current position on this litigation, CIR is perplexed by DOL's current plan of action as to FOIA Request No. 897123. We hope this clarifies any existing misunderstanding and allows us to avoid needless, repetitive litigation. We thank you in advance for your fulfillment of this request.

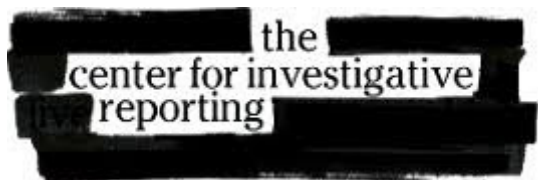
Sincerely,


Alexandra M. Gutierrez

cc: D. Victoria Baranetsky, General Counsel, Center for Investigative Reporting
Will Evans, Report, Center for Investigative Reporting
Thomas Hicks, DOL FOIA Public Liaison

enc: PDF copy

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Dara Gray
First Amendment Fellow
c: (404) 395-2356



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