

EXHIBIT 17

From: [Administrator Email](#)
To: jfeller@caputolawfirm.com
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Acknowledgment of FOIA Appeal A-2022-00213
Date: Thursday, November 4, 2021 2:59:01 PM
Attachments: [a-22-00213.pdf](#)

The Office of Information Policy has received your FOIA Appeal. Please see the attached acknowledgment letter.



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

November 04, 2021

jfeller@caputolawfirm.com

Dear Jerica Feller:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the FBI regarding Request No. 1458132-000 on 11/04/2021.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2022-00213 . Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,
Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist

My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Appeal



A-2022-00213

Requester: Feller, Jerica

Status: Submitted

Appeal

Appeal Information

Received Date	11/04/2021	Agency	OIP
		Document Delivery Method	Email

Request Information

Request Number	1458132-000
Component	FBI

Basis for Appeal

Description of Appeal	Please see attached
Based on Denial of Fee Waiver	No
Based on Denial of Expedited Processing	No
Requester Item Type 1	Supplemental Information
Requester Items 1	2021-11-04 SARNO Letter to FBI FINAL.pdf
Requester Item Type 2	
Requester Items 2	
Requester Item Type 3	
Requester Items 3	

Requester Contact Information

Salutation		Address Type
First Name	Jerica	Country
Middle Name		Address Line 1
Last Name	Feller	Address Line 2
Email Address	jfeller@caputolawfirm.com	City
Organization	Caputo & Popovic	State
Register Number		Zip/Postal Code
Phone Number	3123003800	
Fax Number		
Other Information		

Expedited Processing Information

Expedited Processing Requested?	No
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CAPUTO & POPOVIC
ATTORNEYS & COUNSELORS AT LAW

November 4, 2021

Via Certified Mail & Fax (540-868-4997)
Freedom of Information Act Appeal
Director, Office of Information Policy (OIP)
United States Department of Justice
441 G Street, NW, 6th Floor
Washington, D.C. 20530

*Via Email (ogis@nara.gov &
foipaquestions@ic.fbi.gov)*
Dispute Resolution Services
Office of Government Information
Services (OGIS)
National Archives and Records
Administration, Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

FOIPA Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and Shooting
Freedom of Information Act Appeal
Dispute Resolution Services

Dear Sir/Madam:

Our FOIPA Request to the FBI was submitted nearly two years ago in January 2020 and remains unanswered. We had previously made a request for these materials to the ATF over seven years ago which required litigation in order for the ATF to tell us that the materials we seek had been turned over to the FBI. We trust that your agency will review the history of our requests and require that these materials be provided without any further delays. The specific details of our requests are as follows:

FOI Request to the ATF, Litigation and Stipulation

On September 23, 2014, an FOI request was submitted to the ATF requesting among other things, materials related to LaGrange Park Police Department, Case Report Number 03-5165, relating to an incident described as an aggravated armed robbery on or about 8/25/2003, around 359 N. LaGrange Road, LaGrange Park, IL (Marry Me Jewelry Store Robbery and Shooting). *Michael J. Sarno v. ATF*, Case No. 1:16-cv-00677 (hereinafter the "LaGrange Park Materials").

The LaGrange Park Materials were never provided, and after exhausting administrative remedies, a lawsuit was brought against the ATF in the United States District Court for the District of Columbia on April 8, 2016.

On January 16, 2020, after nearly four (4) years of litigation, the ATF advised Mr. Sarno that the LaGrange Park Materials were turned over to FBI Agent Courtney Trautman on September 16, 2010. *See* Stipulation of Voluntary Dismissal, attached as Exhibit 1.

FOI Request to the FBI

On January 24, 2020, a FOIPA Request was submitted to the FBI requesting the LaGrange Park Materials.

Pursuant to the FBI Letter dated July 7, 2020, the FBI acknowledged that it had “located audio and video files that are potentially responsive to the subject of your request” (16 CDs):



The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$235.00 (16 CDs at \$15.00 each, less \$5.00 credit for the first CD).

See July 7, 2020 Letter, attached as Exhibit 2.

The FBI also recognized “approximately 43 pages of records potentially responsive to the subject of your request.” *See* Exhibit 2.

On July 15, 2020, our office confirmed our willingness to pay the estimated fees up to the amount specified in the letter. *See* July 15, 2020 Correspondence, attached as Exhibit 3.

On October 28, 2020, the FBI reviewed 42 pages and released 18 pages. *See* October 28, 2020 Final Determination Letter, attached as Exhibit 4. The Final Determination Letter did not contain any of the audio or video files referenced in the previous response.

On December 1, 2020, our office submitted a letter requesting the missing audio or video files to the Office of Information Policy (OIP). *See* December 1, 2020 Administrative Appeal, attached as Exhibit 5. Receipt of the Appeal was confirmed and the appeal was assigned the number A-2021-00613. *See* December 16, 2020 Correspondence from OIP, attached as Exhibit 6.

On January 26, 2021, our office submitted a request for dispute resolution services regarding FOIPA Request No. 1458132-000. *See* January 26, 2021 Correspondence, attached as Exhibit 7.

On February 5, 2021, the FBI responded to our request for dispute resolution services and “determined that additional processing is required.” *See* February 5, 2021 Correspondence, attached as Exhibit 8.

On February 8, 2021, the Office of Government Information Services (OGIS), Re: Case No. 21-1130, summarized the issue as follows: “The FBI informed you that there were audio and video files that were potentially responsive to your request, however the agency’s October 28, 2020 response to your request did not include these materials. We contacted the agency on your behalf regarding this matter. FBI FOIA officials informed us that they will respond to you directly regarding the processing of these materials” and “at this time we will take no further action.” *See* February 8, 2021 Correspondence, attached as Exhibit 9.

On May 5, 2021, the OIP confirmed that “the FBI reopened your request to address and process those audio and visual files. Inasmuch as the FBI’s action constitutes a full grant of your appeal, your appeal is now moot and I am closing your appeal file in this Office.” See February 8, 2021 Correspondence, attached as Exhibit 10.

On August 11, 2021, our office received a letter from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) referring to 2021-0103 (ATF) / 1458132-000 (FBI). The FBI referred 3 pages of records to the ATF on November 10, 2020. See August 11, 2021 Final Response Packet, attached as Exhibit 11.

Conclusion

We have still not received the audio and video files identified in the FBI’s July 7, 2020 correspondence that are responsive to our request. We are willing to pay any expense associated with same.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

/s/ Nicholas A. Caputo

Nicholas A. Caputo

NAC;jmf
Enclosures

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

<p>MICHAEL JOHN SARNO, Plaintiff,</p>)	
)	
)	Case No. 1:16-cv-00677
v.)	
)	
<p>UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, ET AL., Defendants.</p>)	Judge Rosemary M. Collyer
)	
)	
)	

STIPULATION OF VOLUNTARY DISMISSAL

Plaintiff Michael John Sarno (“Plaintiff”) and Defendant, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), by and through the undersigned counsel, hereby stipulate to dismissal of the above-captioned action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1), with each party to bear its own costs.

1. This matter was initiated by Plaintiff, *pro se*, on April 8, 2016, to seek production of certain documents pursuant to the Freedom of Information Act. (Dkt. No. 1).
2. ATF made eleven (11) document productions from July 2018 thru November 2019 totaling approximately 1,073 pages as follows:

#	Date	Pages	Description
001	July 1, 2018	56	USDOJ Report of Investigation #1-19
002	August 2, 2018	35	USDOJ Report of Investigation #21-34
003	September 4, 2018	105	USDOJ Report of Investigation #35
004	October 1, 2018	67	USDOJ Report of Investigation #59
005	November 1, 2018	78	USDOJ Report of Investigation #101
006	December 3, 2018	40	USDOJ Report of Investigation #176
007	March 1, 2019	47	USDOJ Report of Investigation #201; 203-207; 210-211; 217; 220; 223-224; 228; 230; 244; -246; 249
008	April 1, 2019	39	USDOJ Report of Investigation #250-258; 260-265; 267-268
009	June 3, 2019	71	USDOJ Report of Investigation #269-291
010	August 6, 2019	92	USDOJ Report of Investigation #301-324

011.1	November 5, 2019 Pt. 1 of 6	34	USDOJ Report of Investigation #35-36; 42-49; 57-58; 62
011.2	November 5, 2019 Pt. 2 of 6	65	USDOJ Report of Investigation #70-80; 82; 84; 87-94; 96-97; 105; 107; 109-110; 115; 119
011.2	November 5, 2019 Pt. 3 of 6	33	USDOJ Report of Investigation #154; 170; 202; 208-209; 212-216; 218-219; 221-222; 225-227
011.3	November 5, 2019 Pt. 4 of 6	32	UDSOJ Report of Investigation #229; 231-243; 247-248; 259; 266
011.4	November 5, 2019 Pt. 5 of 6	197	UDSOJ Report of Investigation #318; 339-343; 346-373
011.5	November 5, 2019 Pt. 6 of 6	82	USDOJ Report of Investigation #374-390
	TOTAL	1073	

3. In its final production on November 5, 2019, ATF indicated that its production was complete.

4. Plaintiff questioned the completeness of the production because Plaintiff did not receive any documents relating to a LaGrange Park aggravated armed robbery, which Plaintiff believed should be in the possession or control of the ATF. Plaintiff supplied documentation to assist the ATF's search: a Property/Evidence Report from the LaGrange Park Police Department, Case Report Number 03-5165, relating to an incident described as an aggravated armed robbery on or about 8/25/2003, around 359 N. LaGrange Road, LaGrange Park, IL. According to this Property/Evidence Report, certain items such as an "audio cassette" and "photo card" were turned over and signed for by ATF Agent Tina Sherrow on or about 9/16/2010.

5. ATF conducted an additional review and determined that the materials related to the LaGrange Park incident described in paragraph 4 were turned over to FBI Agent Courtney Trautman on September 16, 2010.

6. Based on the document productions and representations made by ATF, Plaintiff's claim against ATF is dismissed without prejudice.

7. This matter should be closed and removed from the docket.

Dated: February 18, 2020

Respectfully submitted,

/s/ Nicholas A. Caputo
Nicholas A. Caputo

Caputo & Popovic, P.C.
739 S. Western Ave., Suite 1
Chicago, IL 60612
(312) 300-3800 (tel.)
(888) 463-5405 (fax)

Counsel for Plaintiff

TIMOTHY J. SHEA
United States Attorney

DANIEL F. VAN HORN, D.C. Bar #924092
Chief, Civil Division

By: /s/ Sean M. Tepe
SEAN M. TEPE, DC Bar #1001323
Assistant United States Attorney
555 Fourth St., N.W.
Washington, D.C. 20530
Phone: (202) 252-2533
Fax: (202) 252-2599
Email: sean.tepe@usdoj.gov

Counsel for Defendant



Federal Bureau of Investigation

Washington, D.C. 20535

July 7, 2020

MS. JERICA M. FELLER
 CAPUTO & POPOVIC PC
 SUITE 1
 739 SOUTH WESTERN AVENUE
 CHICAGO, IL 60612

FOIPA Request No.: 1458132-000
 Subject: Marry Me Jewelry Store Robbery and
 Shooting
 (At or near 359 LaGrange Road, LaGrange Park, IL
 on or around August 25, 2003)

Dear Ms. Feller:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

By letter dated 01/24/2020, you indicated your willingness to pay \$300.00 in FOIA processing fees. The Federal Bureau of Investigation (FBI) has located approximately 43 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

- If all potentially responsive pages are released on CD, you will owe \$10.00 in duplication fees (1 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$2.15 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.
- You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and you will owe \$10.00 in duplication fees (1 release at \$15.00 each, less \$5.00 credit for the first release).
- The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$235.00 (16 CDs at \$15.00 each, less \$5.00 credit for the first CD).
- You will owe approximately \$___ in international shipping fees.

The estimated total cost for processing your request is approximately \$250.00 for exclusively CD releases or \$237.15 for paper and digital media CD releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

EXHIBIT

2

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

- I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.
- I am willing to pay fees of a different amount.
- Please specify amount: _____
- Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.
- Cancel my request.

Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National

Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

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

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) 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;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Jerica Feller

From: Jovonn Elem-West <jwest@caputolawfirm.com>
Sent: Wednesday, July 15, 2020 3:04 PM
To: 15408684997@myfax.com
Cc: ncaputo@caputolawfirm.com; jfeller@caputolawfirm.com; jwest@caputolawfirm.com
Subject: Attn: Work Process Unit | FOIAP Request No.: 1458132-000 | Subject: Marry Me Jewelry Store
Attachments: 2020-07-15 Sarno FOI Response.pdf

Dear Sir/Madam:

Kindly find the attached response for records with regard to FOIAP Request No. 1458132-000.

If you have any questions, please do not hesitate to contact Atty. Jerica Feller directly at (312) 300-3813.

Sincerely,

JOVONN ELEM-WEST

Senior Litigation Paralegal



CAPUTO & POPOVIC
ATTORNEYS & COUNSELORS AT LAW

739 S. Western Ave., Suite 1, Chicago, IL 60612

(312) 300-3800 (P) | (888) 463-5405 (F)

jwest@caputolawfirm.com | www.caputolawfirm.com

****WARNING REGARDING ANY FUNDING INSTRUCTIONS****

Wire fraud is on the rise. OUR OFFICE DOES NOT PROVIDE ANY FUNDING INSTRUCTIONS TO YOU FOR SENDING FUNDS. If you receive any such notice, DO NOT rely on it. Call our office immediately. For funding instructions, contact the Title Company directly. Use contact information found from an independent source, such as the sales contract, to verbally verify any funding instructions. We are not responsible for any wires sent by you to an incorrect bank account.

NOTE:

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Jerica Feller

From: NoReply@MyFax.com
Sent: Wednesday, July 15, 2020 3:09 PM
To: jwest@caputolawfirm.com
Subject: Successful transmission to 15408684997. Re: Attn: Work Process Unit | FOIAP Request No.: 1458132-000 | Subject: Marry Me Jewelry Store



Your fax was successfully sent to 15408684997 by MyFax.

Fax Details

Date: 2020-07-15 20:09:20 (GMT)
Number of Pages: 5
Length of Transmission: 226 seconds
Receiving Machine Fax ID: 540 868 4997

If you have any questions, please visit our [online help center](#).

Thank you for choosing MyFax.

Sincerely,
The MyFax Team

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Federal Bureau of Investigation

Washington, D.C. 20535

July 7, 2020

MS. JERICA M. FELLER
 CAPUTO & POPOVIC PC
 SUITE 1
 739 SOUTH WESTERN AVENUE
 CHICAGO, IL 60612

FOIPA Request No.: 1458132-000
 Subject: Marry Me Jewelry Store Robbery and
 Shooting
 (At or near 359 LaGrange Road, LaGrange Park, IL
 on or around August 25, 2003)

Dear Ms. Feller:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

By letter dated 01/24/2020, you indicated your willingness to pay \$300.00 in FOIA processing fees. The Federal Bureau of Investigation (FBI) has located approximately 43 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

- If all potentially responsive pages are released on CD, you will owe \$10.00 in duplication fees (1 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$2.15 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.
- You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and you will owe \$10.00 in duplication fees (1 release at \$15.00 each, less \$5.00 credit for the first release).
- The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$235.00 (16 CDs at \$15.00 each, less \$5.00 credit for the first CD).
- You will owe approximately \$___ in international shipping fees.

The estimated total cost for processing your request is approximately \$250.00 for exclusively CD releases or \$237.15 for paper and digital media CD releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

- I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.
- I am willing to pay fees of a different amount.
- Please specify amount: _____
- Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.
- Cancel my request.

Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National

Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

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



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

October 28, 2020

MS. JERICA M. FELLER
CAPUTO & POPOVIC PC
SUITE 1
739 SOUTH WESTERN AVENUE
CHICAGO, IL 60612

FOIPA Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and Shooting
(At or Near 359 LaGrange Road, LaGrange Park, IL on or around August 25, 2003)

Dear Ms. Feller:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>50 U.S.C., Section 3024 (i)(1)</u>	<input checked="" type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

42 pages were reviewed and 18 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Documents were located which originated with, or contained information concerning, other Government Agency [OGA].
- This information has been referred to the OGA for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

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See additional information which follows.

Sincerely,



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

Enclosures

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts (FOIPA) request.

Inquiries regarding your OGA referral designated within the release as “Referral/Direct” may be directed to the following agency at:

Bureau of Alcohol, Tobacco, Firearms, and Explosives
ATTN: Disclosure Division, Room 4E - 301
99 New York Avenue, NE
Washington, D.C. 20226

Duplicate copies of the same document were not processed.

This material is being provided to you at no charge.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) 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;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

From: [Fariz M. Burhanuddin](#)
To: 15408684997@send.myfax.com
Cc: [Nicholas Caputo](#)
Subject: FOIPA Request No.:1458132-00
Date: Tuesday, December 1, 2020 2:34:49 PM
Attachments: [2020-12-1 Letter to FBI additional files-signed.pdf](#)

Dear Sir/Madam:

Please see attached correspondence.

Very truly yours,

FARIZ M. BURHANUDDIN

Attorney



739 S. Western Ave., Suite 1, Chicago, Illinois 60612

[312-300-3807](tel:312-300-3807) (P) | [888-463-5405](tel:888-463-5405) (F)

fburhanuddin@caputolawfirm.com

From: [Fariz M. Burhanuddin](#)
To: [Nicholas Caputo](#); [Jerica Feller](#)
Subject: FW: Successful transmission to 15408684997. Re: FOIPA Request No.:1458132-00
Date: Tuesday, December 1, 2020 2:42:11 PM

From: NoReply@MyFax.com <NoReply@MyFax.com>
Sent: Tuesday, December 1, 2020 2:41 PM
To: fburhanuddin@caputolawfirm.com
Subject: Successful transmission to 15408684997. Re: FOIPA Request No.:1458132-00



Your fax was successfully sent to 15408684997 by MyFax.

Fax Details

Date: 2020-12-01 20:40:53 (GMT)
Number of Pages: 5
Length of Transmission: 300 seconds
Receiving Machine Fax ID: 540 868 4997

Please note that moving forward, the domain used for sending a fax by email with MyFax has changed. You must now follow your recipient's fax number by @send.myfax.com instead of @myfax.com.

If you have any questions, please visit our [online help center](#).

Thank you for choosing MyFax.

Sincerely,
The MyFax Team

Tip: Switch to an annual plan and save! Call [\(866\) 378-2373](tel:(866)378-2373) or email support@myfax.com.

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CAPUTO & POPOVIC
ATTORNEYS & COUNSELORS AT LAW

December 1, 2020

Via Certified Mail & Fax (540-868-4997)
Director, Office of Information Policy (OIP)
United States Department of Justice
441 G Street, NW, 6th Floor
Washington, D.C. 20530

FOIPA Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and Shooting

Dear Sir/Madam:

As a follow up pursuant to a response received to the above-referenced FOIPA Request dated July 7, 2020, your correspondence stated that “The FBI located audio and video files that are potentially responsive to the subject of your request” (16 CDs). However, our firm received a final determination letter on October 28, 2020 that not did contain any of the audio or video files referenced in the previous response.

To that end, please allow this letter to serve as a formal request for any and all audio and video files that are in your possession and responsive to our request. We are willing to pay any expense associated with same.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Nicholas A. Caputo

NAC;jw

Enclosure



Federal Bureau of Investigation

Washington, D.C. 20535

July 7, 2020

MS. JERICA M. FELLER
 CAPUTO & POPOVIC PC
 SUITE 1
 739 SOUTH WESTERN AVENUE
 CHICAGO, IL 60612

FOIPA Request No.: 1458132-000
 Subject: Marry Me Jewelry Store Robbery and
 Shooting
 (At or near 359 LaGrange Road, LaGrange Park, IL
 on or around August 25, 2003)

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Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

Requester Response

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- I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.
- I am willing to pay fees of a different amount.
- Please specify amount: _____
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Include the FOIPA Request Number listed above in any communication regarding this matter.

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Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

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Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

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



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 16, 2020

Nicholas Caputo, Esq.
Suite 1 739 S. Western Avenue
Chicago, IL 60612

Dear Nicholas Caputo:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the FBI regarding Request No. 1458132 on 12/11/2020.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2021-00613 . Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist

EXHIBIT

6



U.S. Department of Justice

OIP/441 G St., NW
6th Floor

Washington, D.C. 20530

Official Business
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12/18/2020

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ZIP 20530

041M12120108



6061283502 0002



From: [Jerica Feller](#)
To: ogis@nara.gov; foipaquestions@fbi.gov
Cc: [Nicholas Caputo](#)
Subject: Dispute Resolution Services - FOIPA Request No.: 1458132-000
Date: Tuesday, January 26, 2021 1:13:15 PM
Attachments: [image001.png](#)
[2021-01-26 Letter to FBI Dispute Resolution FINAL.pdf](#)

Dear Sir/Madam,

Attached please find our request for dispute resolution services regarding FOIPA Request No.: 1458132-000. Thank you for your attention to this matter and please let me know if you require further information.

Respectfully,

Jerica M. Feller

Associate Attorney



739 S. Western Ave., Suite 1, Chicago, IL 60612

(312) 300-3800 (P) | (888) 463-5405 (F)

jfeller@caputolawfirm.com | www.caputolawfirm.com



CAPUTO & POPOVIC
ATTORNEYS & COUNSELORS AT LAW

January 26, 2021

Via Certified Mail

E-mail: (ogis@nara.gov & foipaquestions@fbi.gov)

Fax: (202)741-5769

Office of Government Information Services (OGIS)

National Archives and Records Administration

8601 Adelphi Road-OGIS

College Park, Maryland 20740-6001

Re: DISPUTE RESOLUTION SERVICES
FOIPA Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and Shooting

Dear Sir/Madam:

We received a response to the above-referenced FOIPA Request dated July 7, 2020 that stated that “The FBI located audio and video files that are potentially responsive to the subject of your request” (16 CDs). *See Exhibit 1, pg. 1.* We submitted our consent to incur the estimated charges so that we can receive these materials on July 15, 2020 (*Exhibit 2*) and received confirmation of receipt the same day (*Exhibit 3*). However, our firm received a final determination letter on October 28, 2020 that did not contain any of the audio or video files referenced in the previous response. *See Exhibit 4.* To that end, please allow this letter to serve as a formal request for dispute resolution in this matter due to the exclusion of the audio and video files that are in your possession yet not provided in response to our request.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Nicholas A. Caputo

NAC;jw

Enclosure



Federal Bureau of Investigation

Washington, D.C. 20535

July 7, 2020

MS. JERICA M. FELLER
CAPUTO & POPOVIC PC
SUITE 1
739 SOUTH WESTERN AVENUE
CHICAGO, IL 60612

FOIPA Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and
Shooting
(At or near 359 LaGrange Road, LaGrange Park, IL
on or around August 25, 2003)

Dear Ms. Feller:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

By letter dated 01/24/2020, you indicated your willingness to pay \$300.00 in FOIA processing fees. The Federal Bureau of Investigation (FBI) has located approximately 43 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

- If all potentially responsive pages are released on CD, you will owe \$10.00 in duplication fees (1 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$2.15 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.
- You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and you will owe \$10.00 in duplication fees (1 release at \$15.00 each, less \$5.00 credit for the first release).
- The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$235.00 (16 CDs at \$15.00 each, less \$5.00 credit for the first CD).
- You will owe approximately \$___ in international shipping fees.

The estimated total cost for processing your request is approximately \$250.00 for exclusively CD releases or \$237.15 for paper and digital media CD releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

EXHIBIT

1

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

- I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.
- I am willing to pay fees of a different amount.
- Please specify amount: _____
- Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.
- Cancel my request.

Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National

Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

Jerica Feller

From: Jovonn Elem-West <jwest@caputolawfirm.com>
Sent: Wednesday, July 15, 2020 3:04 PM
To: 15408684997@myfax.com
Cc: ncaputo@caputolawfirm.com; jfeller@caputolawfirm.com; jwest@caputolawfirm.com
Subject: Attn: Work Process Unit | FOIAP Request No.: 1458132-000 | Subject: Marry Me Jewelry Store
Attachments: 2020-07-15 Sarno FOI Response.pdf

Dear Sir/Madam:

Kindly find the attached response for records with regard to FOIAP Request No. 1458132-000.

If you have any questions, please do not hesitate to contact Atty. Jerica Feller directly at (312) 300-3813.

Sincerely,

JOVONN ELEM-WEST

Senior Litigation Paralegal



CAPUTO & POPOVIC
ATTORNEYS & COUNSELORS AT LAW

739 S. Western Ave., Suite 1, Chicago, IL 60612

(312) 300-3800 (P) | (888) 463-5405 (F)

jwest@caputolawfirm.com | www.caputolawfirm.com

****WARNING REGARDING ANY FUNDING INSTRUCTIONS****

Wire fraud is on the rise. OUR OFFICE DOES NOT PROVIDE ANY FUNDING INSTRUCTIONS TO YOU FOR SENDING FUNDS. If you receive any such notice, DO NOT rely on it. Call our office immediately. For funding instructions, contact the Title Company directly. Use contact information found from an independent source, such as the sales contract, to verbally verify any funding instructions. We are not responsible for any wires sent by you to an incorrect bank account.

NOTE:

This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed. This message and any attached files may contain Attorney Work-Product or other information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please notify the sender, by electronic mail or telephone, of any unintended recipients and delete the original message and attached files without making any copies.

Jerica Feller

From: NoReply@MyFax.com
Sent: Wednesday, July 15, 2020 3:09 PM
To: jwest@caputolawfirm.com
Subject: Successful transmission to 15408684997. Re: Attn: Work Process Unit | FOIAP Request No.: 1458132-000 | Subject: Marry Me Jewelry Store



Your fax was successfully sent to 15408684997 by MyFax.

Fax Details

Date: 2020-07-15 20:09:20 (GMT)
Number of Pages: 5
Length of Transmission: 226 seconds
Receiving Machine Fax ID: 540 868 4997

If you have any questions, please visit our [online help center](#).

Thank you for choosing MyFax.

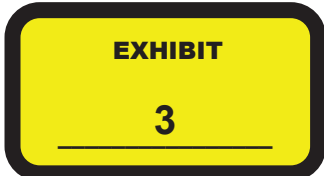
Sincerely,
The MyFax Team

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

October 28, 2020

MS. JERICA M. FELLER
CAPUTO & POPOVIC PC
SUITE 1
739 SOUTH WESTERN AVENUE
CHICAGO, IL 60612

FOIPA Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and Shooting
(At or Near 359 LaGrange Road, LaGrange Park, IL on or around August 25, 2003)

Dear Ms. Feller:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>50 U.S.C., Section 3024 (i)(1)</u>	<input checked="" type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

42 pages were reviewed and 18 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Documents were located which originated with, or contained information concerning, other Government Agency [OGA].
- This information has been referred to the OGA for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



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

Enclosures

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts (FOIPA) request.

Inquiries regarding your OGA referral designated within the release as “Referral/Direct” may be directed to the following agency at:

Bureau of Alcohol, Tobacco, Firearms, and Explosives
ATTN: Disclosure Division, Room 4E - 301
99 New York Avenue, NE
Washington, D.C. 20226

Duplicate copies of the same document were not processed.

This material is being provided to you at no charge.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

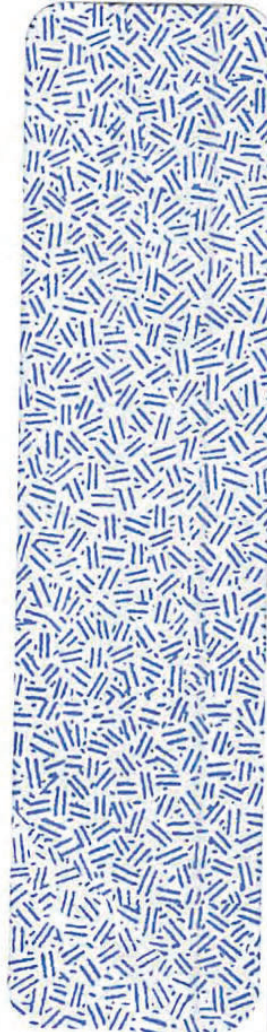
- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) 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;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

U.S. Department of Justice
Federal Bureau of Investigation
200 Constitution Drive
Winchester, VA 22602-4693

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0006898313
FEB 05 2021
MAILED FROM ZIP CODE 22602

EXHIBIT
8





Federal Bureau of Investigation

Washington, D.C. 20535

February 5, 2021

MS. JERICA M. FELLER
CAPUTO & POPOVIC PC
SUITE 1
739 SOUTH WESTERN AVENUE
CHICAGO, IL 60612

Request No.: 1458132-000
Subject: Marry Me Jewelry Store Robbery and
Shooting (At or Near 359 North LaGrange Road,
LaGrange Park, IL On or Around August 26, 2003)

Dear Ms. Feller:

Thank you for utilizing the Federal Bureau of Investigation's (FBI) Freedom of Information / Privacy Acts (FOIPA) dispute resolution services. We appreciate your patience regarding this matter.

Regarding your inquiry dated January 26, 2021, we conducted a review of your request. We determined that additional processing is required. Once your request has been reopened, it will be assigned a new FOIPA request number. Upon receiving this number, you will be able to view the status of your request at www.fbi.gov/foia by clicking on FOIPA Status and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update.

Should you disagree with our determination, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov for dispute resolution services from the FBI. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services," and you should also cite the FOIPA Request Number assigned to your request. Your use of dispute resolution services does not toll the time limit to file a timely appeal with the Director, OIP, U.S. Department of Justice.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel", is positioned above the typed name.

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

Enclosure

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) 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;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD - OGIS | COLLEGE PARK, MD 20740-6001
www.archives.gov/ogis | ogis@nara.gov | o: 202.741.5770 | f: 202.741.5769 | t: 877.684.6448

February 8, 2021—Sent via email

Jerica M. Feller
jfeller@caputolawfirm.com

Re: Case No. 21-1130

Dear Jerica Feller:

This responds to your January 26, 2021 request for assistance from the Office of Government Information Services (OGIS). OGIS is the Federal Freedom of Information Act (FOIA) Ombudsman. We assist the public and Federal agencies by helping them resolve their FOIA disputes, and by addressing their questions and concerns about the FOIA process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. Instead, OGIS provides information to FOIA requesters and Federal agencies to increase understanding and resolve disputes.

We carefully reviewed your submission of information and we understand you requested records from the Federal Bureau of Investigation (FBI) for records concerning a 2003 robbery in LaGrange Park, Illinois. The FBI informed you that there were audio and video files that were potentially responsive to your request, however the agency's October 28, 2020 response to your request did not include these materials. We contacted the agency on your behalf regarding this matter. FBI FOIA officials informed us that they will respond to you directly regarding the processing of these materials.

We hope you find this information useful. If you have questions or concerns that we have not addressed, please contact us again. Thank you for bringing this matter to OGIS; at this time we will take no further action.

Sincerely,
The OGIS Staff



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Nicholas Caputo, Esq.
Suite 1
739 S. Western Avenue
Chicago, IL 60612

May 5, 2021

Re: Appeal No. A-2021-00613

Request No. 1458132

CDT:JNW

VIA: U.S. Mail

Dear Nicholas Caputo:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning the robbery and shooting at or near 359 LaGrange Road, LaGrange Park, Illinois. I note that your appeal concerns the failure of the FBI to provide you with the audio and video files mentioned in the FBI's July 7, 2020 correspondence.

Subsequent to your appeal, the FBI reopened your request to address and process those audio and video files. Inasmuch as the FBI's action constitutes a full grant of your appeal, your appeal is now moot and I am closing your appeal file in this Office. If you would like to determine the status of your reopened request or to request an estimated date of completion you may contact the FBI's FOIA Requester Service Center at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hurd - M".

X

Matthew Hurd, Acting Chief, Administrative
Appeals Staff

EXHIBIT

10

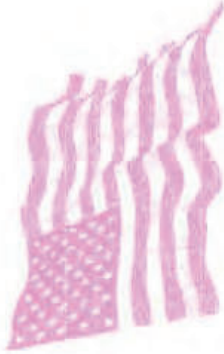
U.S. Department of Justice

Washington, D.C. 20530

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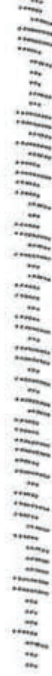
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U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

August 11, 2021

REFER TO: 2021-0103 (ATF)
1458132-000 (FBI)

VIA Email: jfeller@caputolawfirm.com

Dear Ms. Feller:

This responds to your Freedom of Information Act (FOIA)/Privacy Act request. While processing your FOIA/Privacy Act request dated January 24, 2020, for records concerning Marry Me Jewelry Store Robbery and Shooting, Federal Bureau of Investigation (FBI) referred 3 pages of records to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for processing and direct response to you. The documents were received by ATF on November 10, 2020.

We have reviewed the 3 pages that the FBI sent us.

We are withholding third party information, including the names of ATF employees, under FOIA Exemption (b)(6). To disclose personal information about a living individual to a member of the public, we need the written consent from the persons whose information you requested. Without written consent, proof of death, or an overriding public interest, personal information is exempt from disclosure under the FOIA. The FOIA does not require agencies to disclose information that would be a clearly unwarranted invasion of personal privacy (5 U.S.C. § 552(b)(6)).

We are withholding third party information, including the names of ATF employees, under Exemption (b)(7)(C). Exemption (b)(7)(C) permits the withholding of information compiled for law enforcement purposes that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” The public interest in disclosure is limited to the FOIA’s core purpose of shedding light on an agency’s performance of its statutory duties. The public interest under Exemption (b)(7)(C) must be both significant and compelling in order to overcome the legitimate personal privacy interests of a third party. In this matter, the disclosure would not serve the core purpose of the FOIA, but rather, would serve as an unwarranted invasion of personal privacy (5 U.S.C. § 552(b)(7)(C)).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

EXHIBIT

11

-2-

Ms. Jerica Feller

You may contact our FOIA Public Liaisons, Darryl Webb or Zina Kornegay, at (202) 648-7390, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Adam C. Siple
Chief

Information and Privacy Governance Division

Enclosure

U.S. Department of Justice
 Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation: C&S Coin Operated Amusements	Investigation Number: 772045-03-0018	Report Number: 314
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SUMMARY OF EVENT:

Telephonic contact (b) (6), (b) (7)(C) regarding the MARRY ME JEWELRY store robbery.

NARRATIVE:

(b) (6), (b) (7)(C)

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Downers Grove II	(b) (6), (b) (7)(C)	Date: 11/12/08
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Downers Grove II		Date:
Second level reviewer (optional): Andrew L. Traver	Title: Special Agent in Charge, Chicago Field Division	Signature:	Date:

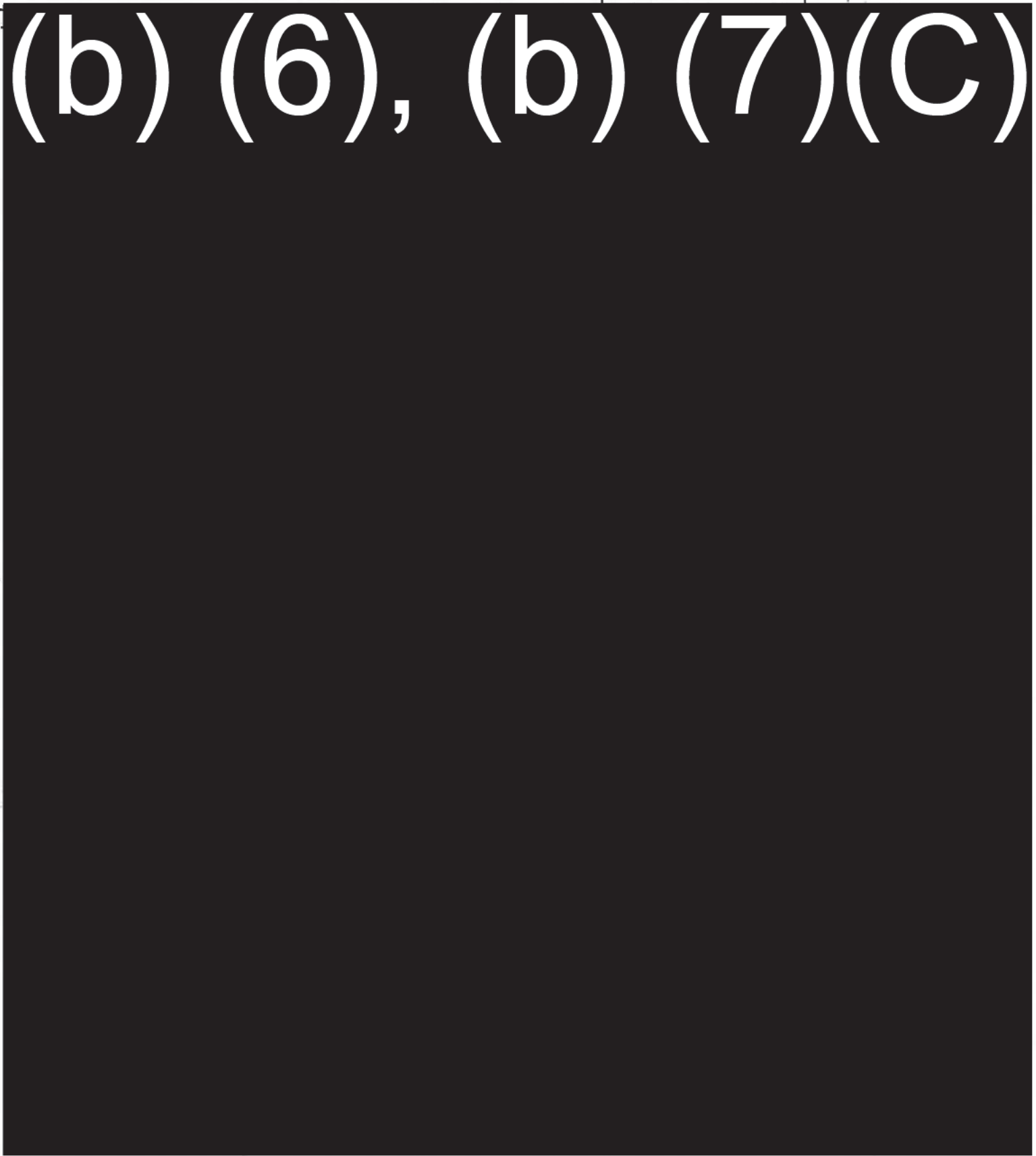
281A-CE-126475-ATF-24

Title of Investigation:
C&S Coin Operated Amusements

Investigation Number:
77204-0018

Report Number:
314

(b) (6), (b) (7)(C)



Title of investigation:
C&S Coin Operated Amusements



Investigation Number:
77204-0018

Report Number:
314

(b) (6), (b) (7)(C)

