

# EXHIBIT D



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

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Telephone: (202) 514-3642

John Greiner, Esq.  
Suite 1420  
201 East Fifth Street  
Cincinnati, OH 45202

Re: Appeal No. A-2023-02041  
Request No. EOUSA-2021-  
001572

jgreiner@ficlaw.com

**VIA: Email**

Dear John Greiner:

You appealed on behalf of your client, Sharon Coolidge, from the action of the Executive Office for United States Attorneys (EOUSA) on your clients Freedom of Information Act (FOIA) request for certain information concerning text messages sent by named third parties. I note that your appeal concerns EOUSA's categorical denial of your clients request pursuant to Exemptions (b)(6) and (b)(7)(c).

After carefully considering your appeal, I am affirming EOUSA's action on your clients request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that non-public responsive records exist, disclosure of such records, including law enforcement records, concerning a third-party individual would constitute a clearly unwarranted invasion of personal privacy, and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C). Further, it is reasonably foreseeable that releasing any non-public records, to the extent such records exist, would harm the interests protected by these exemptions. Because any non-public records responsive to your clients request would be categorically exempt from disclosure, EOUSA properly asserted these exemptions and was not required to conduct a search for the requested records. See, e.g., DOJ v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 780 (1989) (holding as a categorical matter pursuant to Exemption 7(C) that release of investigatory records concerning a third party can reasonably be expected to invade that persons privacy and that such an invasion is unwarranted in the absence of an overriding public interest).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your clients underlying request, and the action of EOUSA in response to your clients request.

If your client is dissatisfied with my action on your appeal, the FOIA permits your client to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your client's right to pursue litigation. 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; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling 202-514-3642.

Sincerely,



X

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Christina Troiani  
Associate Chief, for Matthew Hurd, Chief,  
Administrative Appeals Staff