

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

**JUDICIAL WATCH, INC.**

Plaintiff,

v.

**U.S. DEPARTMENT OF JUSTICE,**

Defendant.

Case No. 1:24-cv-00700-TJK  
(Consolidated Cases)

**THE HERITAGE FOUNDATION, et al.**

Plaintiffs,

v.

**U.S. DEPARTMENT OF JUSTICE,**

Defendant.

**CABLE NEWS NETWORK, INC.,**

**AMERICAN BROADCASTING  
COMPANIES, INC., d/b/a ABC NEWS,**  
77 W 66th St.  
New York, NY 10023

**THE ASSOCIATED PRESS,**  
200 Liberty St.  
New York, NY 10128

**BLOOMBERG L.P.,**  
731 Lexington Ave.  
New York, NY 10022

**CBS BROADCASTING INC.**  
**o/b/o CBS NEWS,**  
524 W. 57th St.  
New York, NY 10019

**DOW JONES & COMPANY, publisher of  
THE WALL STREET JOURNAL,**  
1211 Avenue of the Americas  
New York, NY 10036

**THE E.W. SCRIPPS COMPANY,**  
312 Walnut St. Suite 2800  
Cincinnati, OH 45202

**INSIDER, INC., d/b/a BUSINESS INSIDER**  
One Liberty St. Eighth Floor  
New York, NY 10006

**NBCUNIVERSAL MEDIA, LLC,**  
**d/b/a NBCUNIVERSAL NEWS GROUP,**  
30 Rockefeller Plaza  
New York, NY 10112

**REUTERS NEWS & MEDIA INC.,**  
3 Times Square  
New York, NY 10036

**RADIO TELEVISION DIGITAL NEWS**  
**ASSOCIATION,**  
529 14th Street, Suite 1240  
Washington, DC 20045

**UNIVISION NETWORKS & STUDIOS,**  
**INC.,**  
9405 NW 41st St.  
Miami, FL 33178

**WP COMPANY LLC**  
**d/b/a THE WASHINGTON POST,**  
1301 K Street NW  
Washington, DC 20071

Plaintiffs,

v.

**U.S. DEPARTMENT OF JUSTICE,**

Defendant.

**AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Cable News Network, Inc., American Broadcasting Companies, Inc. d/b/a ABC News, The Associated Press, Bloomberg L.P., CBS Broadcasting Inc. o/b/o CBS News, Dow Jones & Company, Inc., publisher of The Wall Street Journal, E.W. Scripps Company, Insider, Inc., d/b/a Business Insider, NBCUniversal Media, LLC, d/b/a NBCUniversal News Group, Radio Television Digital News Association, Reuters News & Media Inc., Univision Networks &

Studios, Inc., and WP Company LLC d/b/a The Washington Post (together, the “Press Coalition”) bring this suit against Defendant the U.S. Department of Justice (“DOJ”) and state as follows:

### **INTRODUCTION**

1. This is an action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, for declaratory, injunctive, and other appropriate relief.
2. Through FOIA, the Press Coalition seeks all audio and video recordings of President Joseph R. Biden, Jr.’s five-hour interview with Special Counsel Robert K. Hur in October 2023.
3. These recordings will help the public evaluate Hur’s decision not to charge Biden and to close the investigation into classified documents found at Biden’s former office and private residence. In particular, they will shed light on Hur’s controversial characterization of Biden as an “elderly man with a poor memory,” which Hur claimed would make it “difficult to convince a jury that they should convict him.” *Report of the Special Counsel on the Investigation Into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden, Jr.* at 6, Special Counsel’s Office (Feb. 2024) (the “Hur Report”).<sup>1</sup>
4. Hur’s description of Biden caught the attention of the public and the White House alike. *See, e.g.,* Kaanita Iyer, *Biden slams special counsel Hur for raising son Beau’s death*, CNN (Feb. 8, 2024).<sup>2</sup> But without access to any of the interview records, the press and public initially could not form their own conclusions about Hur’s characterization of Biden.

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<sup>1</sup> Available at <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>.

<sup>2</sup> Available at <https://www.cnn.com/2024/02/08/politics/biden-special-counsel-beau->

5. The subsequent release of the interview transcript has made it possible for the press and public to somewhat assess Hur's description of Biden for themselves. *See, e.g.,* Matt Viser, *Full transcript of Biden's special counsel interview paints nuanced portrait*, The Washington Post (Mar. 12, 2024).<sup>3</sup> Transcripts, however, are no substitute for recordings, which reveal "intonations, hesitations, inflections, and tone of voice." *See, e.g., United States v. Criden*, 648 F.2d 814, 824 (3d Cir. 1981). Those qualities amount to "a substantial part of the real record," which is completely "lost to public scrutiny" when only a transcript is released. *Id.*

6. To better assess Hur's characterization of Biden, therefore, the Press Coalition requested copies of the interview recordings as well. Releasing these recordings would greatly inform the public about "what their government is up to," *Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773 (1989), with respect to Hur's decision not to charge Biden.

7. The Press Coalition now brings this lawsuit to compel DOJ to satisfy its obligations under FOIA and release the recordings of Biden's interview with Hur.

### **PARTIES**

8. Plaintiff Cable News Network, Inc. ("CNN") owns and operates numerous news platforms and services, including the television network known as CNN and the website [www.cnn.com](http://www.cnn.com).

9. Plaintiff American Broadcasting Companies, Inc. d/b/a ABC News regularly gathers and reports news to the public. ABC News produces the television programs *World*

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[death/index.html](#).

<sup>3</sup> Available at <https://www.washingtonpost.com/politics/2024/03/12/biden-hur-transcript-classified-documents/>.

*News Tonight with David Muir, Good Morning America, Nightline, 20/20, and This Week*, among others.

10. Plaintiff The Associated Press (“AP”) is a mutual news cooperative organized under the Not-For-Profit Corporation Law of the State of New York.

11. Plaintiff Bloomberg L.P. (“Bloomberg”) is the owner and operator of Bloomberg News. Bloomberg’s newsroom of more than 2,700 journalists and analysts delivers thousands of stories a day, producing content that is featured across multiple platforms, including digital, TV, radio, print and live events.

12. Plaintiff CBS Broadcasting Inc. o/b/o CBS News produces morning, evening and weekend news programming, such as “60 Minutes,” “Face the Nation,” and “Sunday Morning,” and reports and streams news around the clock on CBSNews.com and CBS News 24/7.

13. Plaintiff Dow Jones & Company, Inc. (“Dow Jones”) is the publisher of *The Wall Street Journal*. For over 130 years, Dow Jones has been a global provider of news and business information, delivering content to consumers and organizations around the world across multiple formats, including print, digital, mobile, and live events.

14. Plaintiff The E.W. Scripps Company is one of the nation’s largest local TV broadcasters. It also operates national outlets Court TV and Scripps News.

15. Plaintiff Insider Inc. d/b/a Business Insider (“Insider”) is an American online media company with 148 million audience members. It publishes *Business Insider*, which focuses on business and financial news.

16. Plaintiff NBCUniversal News Group is one of the world’s leading news organizations. NBCUniversal News Group includes NBC News, MSNBC, CNBC, Telemundo, and NBC and Telemundo local news stations. NBCUniversal News Group is the most viewed

news organization in the nation, reaching seven in ten American adults each month-172 million people across television, streaming news, and digital.

17. The Radio Television Digital News Association (“RTDNA”) is the world’s largest professional organization devoted exclusively to broadcast and digital journalism.

18. Reuters News & Media Inc. (“Reuters”) is an international news agency and is one of the largest and most trusted news agencies in the world.

19. Univision Networks & Studios, Inc. (“Univision”) is a Spanish-language television network company owned by TelevisaUnivision, Inc., the leading Spanish-language media and content company in the world.

20. Plaintiff WP Company LLC d/b/a *The Washington Post* (the “Post”) is a news organization based in Washington, D.C. It publishes the leading daily newspaper, by print circulation, in the nation’s capital, as well as the website [www.washingtonpost.com](http://www.washingtonpost.com).

1. Defendant DOJ is an agency within the meaning of 5 U.S.C. § 552(f)(1). DOJ has possession and control of records requested by the Press Coalition.

### **JURISDICTION AND VENUE**

2. This action arises under FOIA. This Court has subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B) & (a)(6)(C)(i). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

3. Venue is proper in this judicial district under 5 U.S.C. § 552(a)(4)(B).

### **FACTUAL ALLEGATIONS**

#### **The Special Counsel’s Investigation**

4. On January 9, 2023, the public learned that Biden’s personal attorneys had come across documents marked classified two months earlier while packing up files at the Penn Biden

Center for Diplomacy and Global Engagement in Washington, DC. *See, e.g.,* Adriana Diaz et al., *U.S. attorney reviewing documents marked classified from Joe Biden’s vice presidency found at Biden think tank*, CBS News (Jan. 10, 2023).<sup>4</sup> The public also learned that Attorney General Merrick Garland had initially assigned John Lausch, U.S. Attorney for the Northern District of Illinois, “to find out how the material marked classified ended up at the Penn Biden Center.” *Id.*

5. Three days later, on January 12, 2023, the White House confirmed that Biden’s attorneys had located a second set of documents bearing classification markings at Biden’s private residence in Wilmington, Delaware. *See, e.g.,* Ben Gittleson, *More classified documents found in garage at Biden’s Wilmington home, White House says*, ABC News (Jan. 12, 2023).<sup>5</sup>

6. That same day, Garland announced that he had appointed Hur “to serve as Special Counsel for the United States Department of Justice” and “conduct the investigation” into the “possible unauthorized removal and retention of classified documents or other records discovered at the Penn Biden Center for Diplomacy and Global Engagement and the Wilmington, Delaware private residence of President Joseph R. Biden, Jr.” *See* Order No. 5588-2023, *Appointment of Robert K. Hur as Special Counsel*, Dep’t of Justice (Jan. 12, 2023).<sup>6</sup>

7. In August 2023, eight months into the resulting investigation, news reports revealed that Hur’s office and Biden’s attorneys were negotiating “over the terms under which [Biden] would be interviewed,” including “whether the interview would be in person and, if so, where it might happen – as well as the range of topics and questions that would be covered.”

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<sup>4</sup> Available at <https://www.cbsnews.com/news/biden-center-classified-documents/>.

<sup>5</sup> Available at <https://abcnews.go.com/Politics/classified-documents-found-bidens-wilmington-home-garage-white/story?id=96390141>.

<sup>6</sup> Available at <https://www.justice.gov/d9/2023-01/Order.Appointment%20of%20Robert%20Hur.11223%20%28002%29.pdf>.

*See, e.g.,* Monica Alba & Carol E. Lee, *Biden attorneys in talks with federal prosecutors over terms of his interview in classified documents case*, NBC News (Aug. 11, 2023).<sup>7</sup>

8. Hur ultimately interviewed Biden in person – for approximately five hours, split across two days – on October 8-9, 2023. The interview was recorded, though as of this filing DOJ has not yet made public whether that recording was solely audio or both audio and video.

### **The Hur Report**

9. On February 5, 2024, Hur transmitted to Garland a ““confidential report explaining the prosecution or declination decisions”” that Hur had reached as to Biden. *See* Hur Report at 1 (quoting 28 C.F.R. § 600.8(c)).

10. On February 7, 2024, Garland notified House and Senate Judiciary Committee leadership that Hur had concluded his investigation. *See* Ltr. from Att’y Gen. Garland to Sen. Durbin et al. (Feb. 7, 2024).<sup>8</sup> Garland stated that he is “committed to making as much of the [Hur Report] public as possible, consistent with legal requirements and Department policy.” *Id.*

11. On February 8, 2024, DOJ released the Hur Report, which declined to charge Biden in connection with the classified documents investigation. *See, e.g.,* Evan Perez et al., *Special counsel report concludes Biden willfully retained classified information but will not face charges*, CNN (Feb. 8, 2024).<sup>9</sup>

12. One section of the Hur Report that caught the public’s interest was the description of Biden’s interview with Hur. In explaining his decision not to charge Biden, Hur wrote:

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<sup>7</sup> Available at <https://www.nbcnews.com/politics/joe-biden/biden-attorneys-negotiating-special-counsel-interview-terms-rcna99360>.

<sup>8</sup> Available at <https://www.justice.gov/d9/2024-02/Attorney%20General%20Letter%20to%20Judiciary%20Committees%202024.pdf>.

<sup>9</sup> Available at <https://www.cnn.com/2024/02/08/politics/white-house-special-counsels-report-response/index.html>.



We have also considered that, at trial, Mr. Biden would likely present himself to a jury, as he did during our interview of him, as a sympathetic, well-meaning, elderly man with a poor memory. Based on our direct interactions with and observations of him, he is someone for whom many jurors will want to identify reasonable doubt. It would be difficult to convince a jury that they should convict him—by then a former president well into his eighties—of a serious felony that requires a mental state of willfulness.

Hur Report at 6. Indeed, the Hur Report repeatedly characterized Biden’s memory in negative terms, calling it “hazy” and “faulty” and stating that Biden exhibited “diminished faculties in advancing age.” *Id.* at 208, 248, 242. In particular, Hur wrote that Biden “did not remember when he was vice president” and that “[h]e did not remember, even within several years, when his son Beau died.” *Id.* at 208.

13. In correspondence released with the Hur Report, White House counsel challenged Hur’s characterization of Biden’s memory, writing that they “do not believe that the report’s treatment of President Biden’s memory is accurate or appropriate” and that “there is ample evidence from your interview that the President did well in answering your questions about years-old events over the course of five hours.” *Id.* at 384.

14. In remarks to the press, Biden likewise forcefully disputed Hur’s characterization of his memory. *See, e.g.,* Justin Gomez & Luke Barr, *Biden rages that ‘you think I would ... forget the day my son died?’ after special counsel report*, ABC News (Feb. 9, 2024).<sup>10</sup>

15. Biden’s remarks further increased public interest in and scrutiny of his memory, however, as he “mistakenly referred to Egyptian President Abdel Fattah El-Sisi as the leader of

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<sup>10</sup> Available at <https://abcnews.go.com/Politics/president-biden-reacts-special-counsels-comments-memory/story?id=107083455>.

Mexico.” *See, e.g.,* Akayla Gardner, *Biden’s Attempt to Address Memory Issue Backfires With New Gaffe*, Bloomberg (Feb. 9, 2024).<sup>11</sup>

### **The Interview Transcripts**

16. On March 12, 2024, Hur testified before the House Judiciary Committee about his investigation and decision not to charge Biden and “stood steadfastly by the assessments in his 345-page report that questioned Biden’s age and mental competence.” *See, e.g.,* Zeke Miller et al., *Congressional hearing on the Biden classified documents probe turns into a proxy campaign battle*, AP (Mar. 13, 2024).<sup>12</sup>

17. That same day, DOJ and Congress released transcripts of Biden’s interview with Hur. *Id.* Those transcripts “provide[] a fuller picture of the five-hour conversation between the two and context around some of the statements that appeared in the report,” including that “[w]hile the president did stumble over some dates and facts, he recalled many others clearly, frequently describing events or details from years ago.” *See, e.g.,* Kaia Hubbard & Robert Legare, *Robert Hur defends special counsel report at tense House hearing on Biden documents probe*, CBS News (Mar. 12, 2024).<sup>13</sup>

18. During the hearing, Rep. Jim Jordan questioned Hur about “the audio tapes of the people you interviewed during your investigation” and asked, “Is there any reason you can see why the American people and their representatives in the United States Congress should not have

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<sup>11</sup> Available at <https://www.bloomberg.com/news/articles/2024-02-09/biden-assails-special-counsel-for-questioning-his-mental-acuity>.

<sup>12</sup> Available at <https://apnews.com/article/classified-documents-biden-hur-special-counsel-122526da6d89d7bf4d6ccfc54590312b>.

<sup>13</sup> Available at <https://www.cbsnews.com/news/special-counsel-robert-hur-testify-house-biden-documents-report/>.

access to those tapes?” Hur responded: “What I can tell you is that my assessment that went into my conclusions that I describe in my report was based not solely on the transcript. It was based on all of the evidence, including the audio recordings,” and that “the audio recordings were part of the evidence, of course, that I considered in coming to my conclusions.” *See Former Special Counsel Hur Testifies on Biden Classified Documents Report* at 3:33:09 – 3:34:45, C-SPAN (Mar. 12, 2024).<sup>14</sup>

### **The Press Coalition’s FOIA Requests**

19. Between February 16, 2024 and April 1, 2024, the Press Coalition plaintiffs submitted FOIA requests to DOJ for recordings of the Special Counsel Office’s interviews of President Joe Biden (the “Requests”).

20. OIP responded with individual but substantively identical acknowledgements to each of the Requests, stating that the Requests “require a search in and/or consultation with another Office,” and, as a result, the request “falls within ‘unusual circumstances’” such that DOJ “need[s] to extend the time limit to respond to your request beyond the ten additional days provided by the statute.” Those requests are as follows:

21. **CNN Request:** On February 16, 2024, CNN submitted multiple FOIA requests to DOJ for records related to Hur’s investigation. One of those requests, assigned tracking number FOIA-2024-01345, sought in part “[a]ny video and audio recordings from the SCO’s interview with President Joe Biden on October 8 and 9, 2023, as well as the transcript of the interview.”

22. In correspondence with DOJ via email on March 14-15, 2024, CNN agreed to narrow that request (the “CNN Request”) to seek only the “video and audio recordings” of the

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<sup>14</sup> Available at <https://www.c-span.org/video/?534073-1/special-counsel-hur-testifies-biden-classified-documents-report-part-1>.

Hur/Biden interview, and DOJ agreed to “consider this request to be [CNN’s] top priority.” A true and correct copy of this correspondence is attached hereto as Exhibit A.

23. On March 15, 2024, DOJ notified CNN that the CNN Request “require[s] a search in and/or consultation with another Office,” and, as a result, the request “falls within ‘unusual circumstances’” such that DOJ “need[s] to extend the time limit to respond to [CNN’s] request beyond the ten additional days provided by the statute.” A true and correct copy of DOJ’s letter is attached hereto as Exhibit B.

24. **Bloomberg Request:** On March 21, 2024, Bloomberg submitted a FOIA request to DOJ for “[a] copy of the audio file containing the recorded interview Special Counsel Robert Hur or his investigators conducted with President Joe Biden during their investigation into President Biden’s handling of classified records found at his think tank and residence.” A true and correct copy of the request (the “Bloomberg Request”) is attached hereto as Exhibit C.

25. On March 27, 2024, DOJ notified Bloomberg that because of “unusual circumstances,” it needed an additional ten days to respond to the Bloomberg Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit D.

26. **Dow Jones Request:** On March 21, 2024, Dow Jones submitted a FOIA request to DOJ for “[a]ll audio recordings of Special Counsel Robert Hur’s interviews of President Joe Biden.” A true and correct copy of that request (the “Dow Jones Request”) is attached hereto as Exhibit E.

27. On March 27, 2024, DOJ notified Dow Jones that because of “unusual circumstances,” it needed an additional ten days to respond to the Dow Jones Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit F.

28. **ABC News Request:** On March 26, 2024, undersigned counsel submitted on behalf of ABC News a FOIA request to DOJ for “all video or audio recordings of Special Counsel Hur’s interview with President Biden on October 8 and 9, 2023.” A true and correct copy of that request (the “ABC Request”) is attached hereto as Exhibit G.

29. On March 27, 2024, DOJ notified ABC News that because of “unusual circumstances,” it needed an additional ten days to respond to the ABC Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit H.

30. **AP Request:** On March 26, 2024, AP submitted a FOIA request to DOJ for “all video or audio recordings of Special Counsel Hur’s interview with President Biden on October 8 and 9, 2023.” A true and correct copy of that request (the “AP Request”) is attached hereto as Exhibit I.

31. On March 27, 2024, DOJ notified AP that because of “unusual circumstances,” it needed an additional ten days to respond to the AP Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit J.

32. **Insider Request:** On March 26, 2024, undersigned counsel submitted on behalf of Insider a FOIA request to DOJ for “[a]ll audio recordings of Special Counsel Robert Hur’s interviews of President Joe Biden.” A true and correct copy of that request (the “Insider Request”) is attached hereto as Exhibit K.

33. On March 27, 2024, DOJ notified Insider that because of “unusual circumstances,” it needed an additional ten days to respond to the Insider Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit L.

34. **CBS News Request:** On March 26, 2024, undersigned counsel submitted on behalf of CBS News a FOIA request to DOJ for “all video or audio recordings of Special

Counsel Hur's interview with President Biden on October 8 and 9, 2023." A true and correct copy of that request (the "CBS News Request") is attached hereto as Exhibit M.

35. On March 27, 2024, DOJ notified CBS News that because of "unusual circumstances," it needed an additional ten days to respond to the CBS News Request. A true and correct copy of DOJ's letter is attached hereto as Exhibit N.

36. **Scripps News Request:** On March 26, 2024, undersigned counsel submitted on behalf of Scripps News a FOIA request to DOJ for "all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023." A true and correct copy of that request (the "Scripps News Request") is attached hereto as Exhibit O.

37. On March 27, 2024, DOJ notified Scripps News that because of "unusual circumstances," it needed an additional ten days to respond to the Scripps News Request. A true and correct copy of DOJ's letter is attached hereto as Exhibit P.

38. **NBC News Request:** On March 27, 2024, NBC News submitted a FOIA request to DOJ for "all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023." A true and correct copy of that request (the "NBC News Request") is attached hereto as Exhibit Q.

39. On April 1, 2024, DOJ notified NBC News that because of "unusual circumstances," it needed an additional ten days to respond to the NBC News Request. A true and correct copy of DOJ's letter is attached hereto as Exhibit R.

40. **Univision Request:** On March 27, 2024, undersigned counsel submitted on behalf of Univision a FOIA request to DOJ for "all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023." A true and correct copy of that request (the "Univision Request") is attached hereto as Exhibit S.

41. On March 27, 2024, DOJ notified Univision that because of “unusual circumstances,” it needed an additional ten days to respond to the Univision Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit T.

42. **Post Request:** On March 27, 2024, undersigned counsel submitted on behalf of the Post a FOIA request to DOJ for “all video or audio recordings of Special Counsel Hur’s interview with President Biden on October 8 and 9, 2023.” A true and correct copy of that request (the “Post Request”) is attached hereto as Exhibit U.

43. On March 29, 2024, DOJ notified the Post that because of “unusual circumstances,” it needed an additional ten days to respond to the Post Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit V.

44. **Reuters Request:** On April 1, 2024, undersigned counsel submitted on behalf of Reuters a FOIA request to DOJ for “all video or audio recordings of Special Counsel Hur’s interview with President Biden on October 8 and 9, 2023.” A true and correct copy of that request (the “Reuters Request”) is attached hereto as Exhibit W.

45. On April 2, 2024, DOJ notified Reuters that because of “unusual circumstances,” it needed an additional ten days to respond to the Reuters Request. A true and correct copy of DOJ’s letter is attached hereto as Exhibit X.

46. To date, DOJ has not informed any of the Press Coalition plaintiffs as to the scope of the records, if any, that the agency will produce in response to the Press Coalition’s Requests.

47. To date, DOJ has not provided a timetable for the production of any records in response to the Press Coalition’s Requests.

**CLAIM FOR RELIEF**

**COUNT I**

**Declaratory and Injunctive Relief:  
Constructive Denial in Violation of FOIA, 5 U.S.C. § 552**

48. The Press Coalition realleges and incorporates by reference all previous paragraphs as if fully set forth herein.

49. FOIA provides this Court with “jurisdiction to enjoin [an] agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.” 5 U.S.C. § 552(a)(4)(B).

50. The withheld records that the Press Coalition seeks, which are the subject of the Requests, are agency records within DOJ’s control.

51. DOJ received the Press Coalition Requests between February 16, 2024, and April 1, 2024. *See* Ex. B at 1.

52. Pursuant to FOIA, DOJ was required to make and communicate to the Press Coalition plaintiffs a “determination” on their Requests no later than twenty working days after the Requests were submitted. 5 U.S.C. § 552(a)(6)(A)(ii).

53. Even with the ten additional working days that FOIA provides for agencies to respond in “unusual circumstances,” 5 U.S.C. § 552(a)(6)(B)(i), DOJ was required to make and communicate to the Press Coalition plaintiffs a “determination” on their requests within thirty working days. That deadline has passed with respect to each of the Requests.

54. To date, DOJ has not made and communicated to the Press Coalition plaintiffs a “determination” on their Requests within the meaning of 5 U.S.C. § 552(a)(6)(A)(ii).

55. DOJ has instead failed to respond to the Requests, and thus constructively denied them.



56. DOJ has not cited any basis under FOIA for withholding, in whole or in part, the interview recordings that the Press Coalition has requested. Nor could any FOIA exemption apply to those records given that DOJ has already released the corresponding interview transcripts. DOJ has wrongfully withheld these agency records in violation of FOIA.

57. The Press Coalition requests a declaratory judgment that DOJ has violated FOIA and that the Press Coalition is entitled to immediately receive the requested records.

58. The Press Coalition further requests that, pursuant to 5 U.S.C. § 552(a)(4)(B), the Court issue an injunction directing DOJ to produce the requested records in full and setting a deadline for compliance.

**REQUEST FOR RELIEF**

WHEREFORE, the Press Coalition respectfully requests that this Court:

- A. Declare DOJ's failure to provide responsive records unlawful under FOIA;
- B. Enter an injunction, pursuant to 5 U.S.C. § 552(a)(4)(B), directing DOJ to make the requested records available to the Press Coalition without further delay, and setting a deadline for compliance;
- C. Provide for expeditious proceedings in this action;
- D. Award the Press Coalition its costs and reasonable attorneys' fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- E. Grant such other and further relief as the Court may deem just and proper.

Dated: May 15, 2024

Respectfully submitted,

BALLARD SPAHR LLP

/s/ Charles D. Tobin

Charles D. Tobin (#455593)

Maxwell S. Mishkin (#1031356)

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*Counsel for the Press Coalition*

# Exhibit A

Monday, March 25, 2024 at 11:19:47 Eastern Daylight Time

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**Subject:** RE: Pending Freedom of Information Act Requests, FOIA-2024-01349 et al.  
**Date:** Friday, March 15, 2024 at 1:28:17 PM Eastern Daylight Time  
**From:** Hibbard, Douglas (OIP)  
**To:** LoMonte, Frank, Rabinowitz, Hannah

Mr. LoMonte,

To confirm, the request you have detailed below has been assigned tracking number FOIA-2024-01345. I can update this specific request to be narrowed as follows: Any video and audio recordings from the SCO's interview with President Joseph Biden on October 8 and 9, 2023. As you have indicated below, we will consider this request to be your top priority and will discuss your remaining requests after we have fulfilled FOIA-2024-01345.

Please be advised that, at this time, this Office anticipates that the written transcripts of the interviews of President Biden will be disclosed prior to the audio of those same interviews. Although you have not requested the written transcripts in FOIA-2024-01345, we will provide them to you upon their disclosure on the assumption that they are of interest to you.

Lastly, with regards to the portions of your requests seeking the records related to the processing of your requests, please be advised that the FOIA does not permit requesters to request records that will be created at a later date. To the extent that you interested in the records associated with the processing of your FOIA requests, you can submit such a request to this Office upon our completion of their processing.

Please let me know if you have any questions on this matter,

Doug Hibbard

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**From:** LoMonte, Frank <[frank.lomonte@cnn.com](mailto:frank.lomonte@cnn.com)>  
**Sent:** Thursday, March 14, 2024 4:25 PM  
**To:** Rabinowitz, Hannah <[hannah.rabinowitz@cnn.com](mailto:hannah.rabinowitz@cnn.com)>; Hibbard, Douglas (OIP) <[Douglas.Hibbard@usdoj.gov](mailto:Douglas.Hibbard@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Pending Freedom of Information Act Requests, FOIA-2024-01349 et al.

Dear Mr. Hibbard,

I am legal counsel representing CNN and its reporter, Hannah Rabinowitz, who is copied here. We appreciate your correspondence, below, offering the opportunity to clarify and prioritize Ms. Rabinowitz's FOIA requests of Feb. 16, 2024.

On Feb. 16, Ms. Rabinowitz electronically submitted the following FOIA request:

Records related to the Office of Special Counsel's investigation led by Robert Hur into the retention of classified documents by President Biden. **Specifically, CNN seeks: Any video and audio recordings from the SCO's interview with President Joe Biden on October 8 and 9, 2023**, as well as the transcript of the interview. We also request FBI

memoranda, such as 302s, from the interview.

In addition to the records described above, provide any processing notes produced in the course of fulfilling this request and any records that, because of their nature or subject matter, are substantially the same as the records described above and have been previously disclosed, are the subject of currently pending requests or are likely to become the subject of subsequent requests.

I believe this request is numbered as FOIA-2024-01345 in your reply, copied below (although it is possible that it is FOIA-2024-01348). In either event, this is the highest-priority and most time-sensitive of our requests. For purposes of expediting fulfillment, we are prepared to narrow the request to cover the bolded language above: "**Any video and audio recordings from the SCO's interview with President Joe Biden on October 8 and 9, 2023.**"

Once that portion of the request is fulfilled, we will be happy (by call or email; my direct contact information is below) to work with your office on clarifying and narrowing the remaining unfulfilled requests.

Thank you for your prompt consideration of this time-sensitive request.

---

**Frank LoMonte**

**Senior Counsel, CNN**

1050 Techwood Drive Atlanta, GA, USA 30318

[frank.lomonte@cnn.com](mailto:frank.lomonte@cnn.com)

[+1 \(404\) 630-9836](tel:+14046309836)

---

**From:** Hibbard, Douglas (OIP) <[Douglas.Hibbard@usdoj.gov](mailto:Douglas.Hibbard@usdoj.gov)>

**Date:** Thursday, March 14, 2024 at 1:54 PM

**To:** Rabinowitz, Hannah <[hannah.rabinowitz@cnn.com](mailto:hannah.rabinowitz@cnn.com)>

**Subject:** Pending Freedom of Information Act Requests, FOIA-2024-01349 et al.

**EXTERNAL SENDER: Caution opening links or attachments**

Hannah Rabinowitz,

This concerns the nine Freedom of Information Act requests you have submitted to the Department of Justice seeking:

FOIA-2024-01232      Communications between the Office of the Attorney General and the office of Special Counsel Robert Hur since January 1, 2023.

FOIA-2024-01342      Communications between the Office of Legal Counsel and the office of Special Counsel Robert Hur from January 2023, to February 2024.

FOIA-2024-01343      Communications between the Office of the Deputy Attorney General and the office of Special Counsel Robert Hur from January 2023 to February 2024.

FOIA-2024-01344      Communications between the Office of the Attorney General and the office of Special Counsel Robert Hur since January 1, 2023. (See note below.)

FOIA-2024-01345 Records concerning the interview of President Joseph Biden as conducted by Special Counsel Robert Hur.  
FOIA-2024-01346 Calendars of Special Counsel Robert Hur from January 2023 to February 2024.  
FOIA-2024-01347 Records concerning the interview of Mark Zwonitzer as conducted by Special Counsel Robert Hur.  
FOIA-2024-01348 Records of the office of Special Counsel Robert Hur concerning the interview of President Joseph Biden.  
FOIA-2024-01349 All records “collected, maintained, and stored” related to the investigation of Special Counsel Robert Hur, including records “used” by Special Counsel Hur in drafting his report.

As detailed within the Report of Special Counsel Hur ([www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf](http://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf), specifically on page 33), investigators conducted 173 interviews of 147 witness and collected over seven million documents. To the extent that you are seeking all records “collected, maintained, and stored” related to the investigation, your request (FOIA-2024-01349) is seeking a very large volume of material. As such, I am inquiring into your interest in narrowing the scope of your request in order to facilitate our ability to respond to it. For example, you could limit your request to copies of the interview transcripts for the 173 interviews that were conducted. We can discuss further options that might be interest to you.

Furthermore, it would appear that your other eight requests are all seeking a subset of the records you have requested in FOIA-2024-01349. Based on any narrowing we may agree upon with regards to the scope of FOIA-2024-01349, some, or all, of these requests may still prove to be duplicative subsets of FOIA-2024-01349.

Please feel free to respond to this email with any questions or comments you may have. I look forward to the opportunity to discuss your requests with you so that we might fulfill them as soon as possible.

Doug Hibbard  
Chief, Initial Request Staff  
Office of Information Policy

Note: The requester letter for FOIA-2024-01344 (which I have attached) appears to contain conflicting information in that initially states that it is seeking communications between the White House and the office of Special Counsel Robert Hur but then, in the “REQUESTED RECORDS” section, states that it seeking communications between the Office of the Attorney General and the office of Special Counsel Hur, which you specifically requested in FOIA-2024-01232.

# Exhibit B



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

Telephone: (202) 514-3642

March 15, 2024

Hannah Rabinowitz

CNN

820 First Street, NE

Washington, DC 20002

[hannah.rabinowitz@warnermedia.com](mailto:hannah.rabinowitz@warnermedia.com)

Re: FOIA-2024-01232

FOIA-2024-01342

FOIA-2024-01346

FOIA-2024-01343

FOIA-2024-01347

FOIA-2024-01344

FOIA-2024-01348

FOIA-2024-01345

FOIA-2024-01349

Dear Hannah Rabinowitz:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) requests dated February 16, 2024, and received in this Office on February 20, 2024, seeking various records related to the investigation of Special Counsel Robert Hur. Your requests were originally received by the Justice Management Division who forwarded them to this Office for further processing.

Pursuant to emails between myself and Frank LoMonte, Senior Counsel for CNN, it has been agreed that the scope of your request FOIA-2024-01345 will be modified to "Any video and audio recordings from the SCO's interview of President Joe Biden on October 8 and 9, 2023." At that time, Mr. LoMonte indicated that this request should be considered the highest priority to CNN and that your organization would be willing to discuss the scope of your other eight requests after FOIA-2024-01345 has been fulfilled.

The records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. § 552 (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an



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alternative time frame for the processing of your request, you may contact this Office by telephone at the above number, by e-mail at [doj.oip.foia@usdoj.gov](mailto:doj.oip.foia@usdoj.gov), or you may write to the Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison, Valeree Villanueva, at the telephone number listed above 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](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448.

With regards to the portions of your requests seeking records related to their processing, as I advised in my emails with Mr. LoMonte, the FOIA does not permit requesters to request records that will be created at a later date. To the extent you are interested in the records associated with the processing of your requests, you may submit such a request to this Office once we have fulfilled your request.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, 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 submitted within ninety 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,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit C

My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Request

Assignment: eFile



# FOIA-2024-01545

Requester: Leopold, Jason

Status: In Progress

Workflow

## Request

### Request Information

Request Type	Request	Agency	OIP
Request Date	03/21/2024	Document Delivery Method	Email

### Requester Information

Salutation	Mr.	Address Type	Home
First Name	Jason	Country	United States
Middle Name		Address Line 1	1669 Benedict Canyon Drive
Last Name	Leopold	Address Line 2	
Email Address	jleopold15@bloomberg.net	City	Beverly Hills
Organization	Bloomberg News	State	California
Register Number		Zip/Postal Code	90210
Phone Number	2132704334		
Fax Number			
Other Information			

### Description of Request

Description

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Jason Leopold  
Position: Investigative Reporter/Bloomberg News  
Address: 1669 Benedict Canyon Dr., Beverly Hills, CA 90210  
Email: jasonleopold@gmail.com jleopold15@bloomberg.net

I request disclosure from the Office of Information Policy, the Office of the Attorney General, the Office of Special Counsel Robert Hur the following records:

1. A copy of the audio file containing the recorded interview Special Counsel Robert Hur or his investigators conducted with President Joe Biden during their investigation into President Biden's handling of classified records found at his think tank and residence.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall--

(i) withhold information under this section only if--

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

OIP should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

File Type 1

File 1

File Type 2

File 2

File Type 3

File 3

Expedited Processing Information



Expedited Processing Requested? Yes

Expedited Justification

Expedited Processing Request Date 03/21/2024

Standards for Expedition
2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information.
4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.

On Feb. 8, 2024, the Department of Justice released a 388-page copy of Special Counsel Robert Hur's report of his year-long investigation into President Biden's handling of classified papers during his tenure as Vice President. Although the report recommended that the president not face criminal charges the substance of the findings were a scathing critique of President Biden's duty to protect classified information and raise numerous issues about his memory, both of which will no doubt become an issue during the hotly contested 2024 presidential campaign where President Biden will likely square off against former President Trump who is facing a criminal trial over his handling of classified presidential records.

The statements in Special Counsel Hur's report about President Biden's memory failures during his interview with the Special Counsel's office raise questions about his fitness to serve as president for a second term but importantly beg for additional context so the public can see first hand how questions were presented and what President Biden's full answers were.

There is no question there is an overwhelming public interest in this matter and that the transcripts will reveal actual or alleged federal government activity.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief. /s/ \_\_\_\_\_ JL \_\_\_\_\_ Jason Leopold

Fee Information



Will Pay Up To 25  
 Fee Category Representative of the news media  
 Fee Waiver Requested? Yes

Fee Waiver Justification

I am a senior investigative reporter for Bloomberg News and formerly senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America. I am filing this request on behalf of myself and Bloomberg News,

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

# 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

March 26, 2024

Jason Leopold  
Bloomberg News  
1669 Benedict Canyon Drive  
Beverly Hills, CA 90210  
[jleopold15@bloomberg.net](mailto:jleopold15@bloomberg.net)

Re: FOIA-2024-01545  
DRH:ERH:GMG

Dear Jason Leopold:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 21, 2024, in which you requested copy of the audio file associated with the interview of President Joseph Biden as conducted by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following



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the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is stylized and cursive.

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit E

March 22, 2024

Sadie Gurman  
The Wall Street Journal  
1025 Connecticut Ave. NW, Suite 800  
Washington, DC, 20036  
sadie.gurman@wsj.com  
202-897-9033

To whom it may concern,

This is a request under the Freedom of Information Act. I request the department provide the following records within 20 business days:

- All audio recordings of Special Counsel Robert Hur's interviews of President Joe Biden.

Vaughn index requested

If the agency's position is that records are exempt from disclosure, please provide an index as required under *Vaughn v. Rosen* 484 F.2d 820 (D.C. Cir. 1973.)

Search of personal devices and accounts requested

If any government employee used a personal account, device or other communications methods for any government activity, I request a search of those devices and accounts to see if they contain federal records.

Preservation hold requested

Please institute a preservation hold on any records responsive to this request. Acting either institutionally through the Wall Street Journal in consultation with legal counsel or as individual in my personal capacity, I intend to pursue all legal avenues for my right of access to public records. The agency should be on notice that litigation is reasonably foreseeable.

Fee waiver request

I am employed as a full-time reporter with The Wall Street Journal and therefore a member of the news media engaged primarily in the dissemination of information that is in the public's interest and hereby request a fee waiver. I certify that my statements concerning a fee waiver are true and correct to the best of my knowledge and belief.

If my fee waiver is denied, I am willing to pay up to \$100 for favorable disposition of my request.

Expedited processing request

I am employed as a full-time reporter with The Wall Street Journal and therefore a member of the news media engaged primarily in the dissemination of information that is in the public's interest and hereby request expedited processing on the grounds that I am seeking information that is urgently needed to inform the public about the ongoing rise in threats. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief

Sincerely,

Sadie Gurman  
The Wall Street Journal

# Exhibit F



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

---

Telephone: (202) 514-3642

March 27, 2024

Sadie Gurman  
The Wall Street Journal  
1025 Connecticut Ave.  
Suite 800  
Washington, DC 20036  
[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)

Re: FOIA-2024-01556  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 22, 2024, in which you requested copies of all audio recordings associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

-2-

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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is fluid and cursive, with a prominent initial "D" and "H".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit G



HOME TRACKING INBOX

Tracking Inbox » Request



FOIA-2024-01604

Requester: Russell, Lauren

Status: Submitted

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	03/26/2024	Document Delivery Method	Email

Requester Information

Salutation		Address Type	Work
First Name	Lauren	Country	United States
Middle Name		Address Line 1	1920 14th St NW
Last Name	Russell	Address Line 2	Unit 216
Email Address	russell@ballardspahr.com	City	Washington
Organization	Ballard Spahr LLP	State	District of Columb
Register Number		Zip/Postal Code	20006
Phone Number	202-661-7605		
Fax Number			
Other Information			

Description of Request

Description	On behalf of ABC News, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.
File Type 1	
File 1	
File Type 2	
File 2	
File Type 3	
File 3	

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	ABC News qualifi (4)(A)(ii)(II) and m
Expedited Processing Request Date	03/26/2024		Because these rei of news reporting it will contribute si activities of the go commercial intere
Standards for Expedition	2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. 4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.		

Fee Information

Will Pay Up To

Fee Waiver Justification

Fee Category

Fee Waiver Requested? Yes

There is an urgen  
Hur's interview wil  
Counsel's decisio  
classified docume  
of the interview h  
interest in reviewii

# Exhibit H



**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

March 27, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 12th St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01604  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 26, 2024, in which you requested copies of all audio and video associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

-2-

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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is fluid and cursive, with a prominent initial "D" and "H".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit I



An official website of the United States government  
[Here's how you know](#)



# FOIA.gov

[MENU](#)

**Thank you for visiting FOIA.gov, the government's central website for FOIA.** We'll continue to make improvements to the site and look forward to your input. Please submit feedback to [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov).

**Submission ID:** 1135456

## Success!

**Your FOIA request has been created and is being sent to the Office of Information Policy.**

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

### Contact the agency

~~FOIA Requester Service Center~~

202-514-3642

~~Valeree Villanueva, FOIA Public Liaison~~

202-514-3642

Douglas Hibbard, Chief, Initial Request Staff  
441 G St, NW, 6th Floor  
Washington, DC 20530

# Request summary

Request submitted on **March 26, 2024**.

The confirmation ID for your request is **1135456**.



The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

## Contact information

### Name

Michael Balsamo

### Mailing address

1100 13th St NW

Fifth Floor

Washington, DC 20005

United States

### Phone number

2026419595

### Company/organization

The Associated Press

### Email

MBalsamo@ap.org

---

## Your request

VIA ELECTRONIC PORTAL RE: Freedom of Information Act Request-- Expedited

Processing Requested To Whom It May Concern: Pursuant to Freedom of Information

Act, 5 U.S.C. § 552 and on behalf of The Associated Press, I hereby request access to and



digital copies of all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023. As you know, the FOIA provides for the release of digital copies of agency records. If electronic copies are not available, please contact me first before processing this request. I can be reached at (202) 641-9595 or by electronic mail at mbalsamo@ap.org. Because I am a member of the news media primarily engaged in disseminating information, I have an "urgency to inform" the public about an activity of the federal government in accordance with § 552 (a)(6)(E)(v). Such a request for expedited processing meets established criteria for demonstrating a "compelling need": the records concern a matter of current exigency to the American public; that their delay would compromise a significant recognized interest; and that they concern federal government activity. See generally *Al-Fayed v. C.I.A.*, 254 F.3d.300, 310 (D.C. Cir. 2001). There is an urgent need for release of recordings of Special Counsel Hur's interview with President Biden, which informed the Special Counsel's decision not to prosecute the President in connection with classified documents found at his private residence. Though transcripts of the interview have been released, the public has an immediate interest in reviewing all recordings of this important interview. Indeed, a relevant public interest at stake is the extent to which disclosure of the information sought would "let citizens know 'what their government is up to.'" See *U.S. Dep't of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 497 (1994) (quoting *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989)). Public interest in the prompt disclosure of the records is high and would shed light on the operations of government, especially that of the Justice Department and FBI. Because this is a request by the news media for records in the public interest, I ask that you waive any search fees in accordance with § 552(a)(4)(A)(ii)(II). The Associated Press qualifies for news media fee status under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and may not be charged for search and review fees. Because these recordings will be used by The Associated Press for the preparation of news reporting that will be broadly disseminated to the general public, it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in The Associated Press's commercial interest. As you know, agencies must redact only what is necessary to protect exempt information and must explain the basis for any redactions. See *Georgacarakos v. F.B.I.*, 908 F.Supp.2d 176, 186 (D.D.C. 2012). As well, please provide records to me on a rolling basis, rather than waiting for my entire request to be processed before releasing documents. As a reminder, the Executive Branch directed that the FOIA "be administered with a clear presumption: In the face of doubt, openness prevails." Memorandum for the Heads of Executive Dep'ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009), emphasis added. This instruction is unambiguous: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the FOIA,

and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving the FOIA.” Id. The Act, in § 552(a)(6), grants your office no more than twenty working days in which to respond to this request. See also *Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) (“Congress adopted the time limit provision in the FOIA in order to ‘contribute to the fuller and faster release of information, which is the basic objective of the Act.’” (quoting H.R. Rep. No. 93- 876, March 5, 1974, reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)). Agencies therefore “should make it a priority to respond in a timely manner. Timely disclosure of information is an essential component of transparency.” Attorney General’s Memorandum for Heads of Executive Dep’ts and Agencies Concerning the Freedom of Info. Act, at 3 (Mar. 19, 2009), available from <http://www.justice.gov/ag/foia-memo-march2009.pdf>. I affirm the information provided above, including information applicable to my request for expedited processing, is true and correct to the best of my knowledge and belief. Thank you for your assistance. I look forward to your prompt reply.

---

## Fees

### What type of requester are you?

media

### Fee waiver

yes

### Fee waiver justification

The Associated Press qualifies for news media fee status under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and may not be charged for search and review fees. Because these recordings will be used by The Associated Press for the preparation of news reporting that will be broadly disseminated to the general public, it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in The Associated Press's commercial interest.

---

## Request expedited processing

### Expedited processing

yes

## Justification for expedited processing

There is an urgent need for release of recordings of Special Counsel Hur’s interview with President Biden, which informed the Special Counsel’s decision not to prosecute the President in connection with classified documents found at his private residence. Though transcripts of the interview have been released, the public has an immediate interest in reviewing all recordings of this important interview.



FOIA.gov

### CONTACT

Office of Information Policy (OIP)  
U.S. Department of Justice  
441 G St, NW, 6th Floor  
Washington, DC 20530  
E-mail: [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov)

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# Exhibit J



**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

March 27, 2024

Michael Balsamo  
The Associated Press  
1100 13th St NW  
Fifth Floor  
Washington, DC 20005  
[MBalsamo@ap.org](mailto:MBalsamo@ap.org)

Re: FOIA-2024-01598  
DRH:ERH:GMG

Dear Michael Balsamo:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 26, 2024, in which you requested copies of all audio and video recordings associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(1)(iv) (2018). Pursuant to Department policy, we directed your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See id. § 16.5(e)(2). The Director has determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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

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Adelphi Road, College Park, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, 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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit K

My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Request



FOIA-2024-01601

Requester: Russell, Lauren

Status: Submitted

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	03/26/2024	Document Delivery Method	Email

Requester Information

Salutation	Ms.	Address Type	Work
First Name	Lauren	Country	
Middle Name		Address Line 1	1909 K Street NW
Last Name	Russell	Address Line 2	Floor 12
Email Address	russell@ballardspahr.com	City	Washington
Organization	Ballard Spahr LLP	State	District of Columb
Register Number		Zip/Postal Code	20006
Phone Number	202-661-7605		
Fax Number			
Other Information			

Description of Request

Description	On behalf of Business Insider, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.
File Type 1	
File 1	
File Type 2	
File 2	
File Type 3	
File 3	

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	Business Insider c 552(a)(4)(A)(ii)(II)
Expedited Processing Request Date	03/26/2024		Because these re preparation of nev general public, it v the operations or : Business Insider's
Standards for Expedition	2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. 4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.		

Fee Information



Will Pay Up To

Fee Waiver Justification

Fee Category

Fee Waiver Requested? Yes

There is an urgen  
Hur's interview wil  
Counsel's decisio  
classified docume  
of the interview h  
interest in reviewii

# Exhibit L



**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

March 27, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 12th St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01601  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 26, 2024, in which you requested copies of all audio and video associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

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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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is fluid and cursive, with a prominent initial "D" and "H".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit M

My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Request



FOIA-2024-01602

Requester: Russell, Lauren

Status: Submitted

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	03/26/2024	Document Delivery Method	Email

Requester Information

Salutation	Ms.	Address Type	Work
First Name	Lauren	Country	
Middle Name		Address Line 1	1909 K St NW
Last Name	Russell	Address Line 2	Floor 12
Email Address	russell@ballardspahr.com	City	Washington
Organization	Ballard Spahr LLP	State	District of Columb
Register Number		Zip/Postal Code	20006
Phone Number	202-661-7605		
Fax Number			
Other Information			

Description of Request

Description	On behalf of CBS News, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.		
File Type 1			
File 1			
File Type 2			
File 2			
File Type 3			
File 3			

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	CBS News qualifies for expedited processing under FOIA (4)(A)(ii)(II) and because these records are of news reporting it will contribute significantly to the activities of the government and the commercial interest of the public.
Expedited Processing Request Date	03/26/2024		
Standards for Expedition	2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. 4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.		

Fee Information

Will Pay Up To

Fee Waiver Justification

Fee Category

Fee Waiver Requested? Yes

There is an urgent  
Hur's interview with  
Counsel's decision  
classified documents  
of the interview has  
interest in reviewing

# Exhibit N





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

---

Telephone: (202) 514-3642

March 27, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 12th St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01602  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 26, 2024, in which you requested copies of all audio and video associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

-2-

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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is fluid and cursive, with a prominent initial "D" and "H".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit O



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UNITED STATES DEPARTMENT OF JUSTICE



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Thank you for visiting FOIA.gov, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov).

Submission ID: 1134891

## Success!

Your FOIA request has been created and is being sent to the Office of Information Policy.

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.


### Contact the agency

 FOIA Requester Service Center 

202-514-3642

 Valeree Villanueva, FOIA Public Liaison 

202-514-3642

 Douglas Hibbard, Chief, Initial Request Staff  
441 G St, NW, 6th Floor  
Washington, DC 20530

## Request summary

Request submitted on **March 26, 2024**.

The confirmation ID for your request is **1134891**.

The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

## Contact information

### Name

Lauren Russell

### Mailing address

1909 12th St NW

Floor 12

Washington, DC 20006

United States

### Phone number

202-661-7605

### Company/organization

Ballard Spahr LLP

### Email

russelll@ballardspahr.com

## Your request

On behalf of Scripps News, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.

## Fees

### What type of requester are you?

media

### Fee waiver

yes

### Fee waiver justification

Scripps News qualifies for news media fee status under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and may not be charged for search and review fees. Because these recordings will be used by Scripps News for the preparation of news reporting that will be broadly disseminated to the general public, it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in Scripps News's commercial interest.

## Request expedited processing

### Expedited processing

yes

### Justification for expedited processing

There is an urgent need for release of recordings of Special Counsel Hur's interview with President Biden, which informed the Special Counsel's decision not to prosecute the President in connection with classified documents found at his private residence. Though transcripts of the interview have been released, the public has an immediate interest in reviewing all recordings of this important interview.



FOIA.gov

CONTACT

Office of Information Policy (OIP)  
U.S. Department of Justice  
441 G St, NW, 6th Floor  
Washington, DC 20530  
E-mail: [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov)

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# Exhibit P





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

---

Telephone: (202) 514-3642

March 26, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 12th St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01587  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 21, 2024, in which you requested copies of all audio and video associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

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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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is fluid and cursive, with a prominent initial "D" and "H".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit Q



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Here's how you know



# FOIA.gov



UNITED STATES DEPARTMENT OF JUSTICE

MENU

**Thank you for visiting FOIA.gov, the government's central website for FOIA.** We'll continue to make improvements to the site and look forward to your input. Please submit feedback to [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov).

**Submission ID:** 1138431

# Success!

**Your FOIA request has been created and is being sent to the Office of Information Policy.**

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

## Contact the agency

[FOIA Requester Service Center](#)

202-514-3642

Valeree Villanueva, [FOIA Public Liaison](#)

202-514-3642

Douglas Hibbard, Chief, Initial Request Staff

441 G St, NW, 6th Floor

Washington, DC 20530

---

## Request summary

Request submitted on **March 28, 2024**.

The confirmation ID for your request is **1138431**.



The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

## Contact information

### Name

Tom Winter

### Mailing address

30 Rockefeller Plaza  
Room 563E-2  
New York, NY 10112  
United States

**Phone number**

212-413-6446

**Company/organization**

NBC News

**Email**

tom.winter@nbc.com

---

**Your request**

On behalf of NBC News, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.

---

**Fees**

**What type of requester are you?**

media

**Fee waiver**

yes

### Fee waiver justification

NBC News qualifies for news media fee status under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and may not be charged for search and review fees. Because these recordings will be used by NBC News for the preparation of news reporting that will be broadly disseminated to the general public, it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in NBC News's commercial interest.

---

## Request expedited processing

### Expedited processing

yes

### Justification for expedited processing

There is an urgent need for release of recordings of Special Counsel Hur's interview with President Biden, which informed the Special Counsel's decision not to prosecute the President in connection with classified documents found at his private residence. Though transcripts of the interview have been released, the public has an immediate interest in reviewing all recordings of this important interview.



**FOIA.gov**

## CONTACT

Office of Information Policy (OIP)

U.S. Department of Justice

441 G St, NW, 6th Floor

Washington, DC 20530

E-mail: [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov)

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# Exhibit R



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

---

Telephone: (202) 514-3642

April 1, 2024

Tom Winter  
NBC News  
30 Rockefeller Plaza  
Room 563E-2  
New York, NY 10112  
[tom.winter@nbc.com](mailto:tom.winter@nbc.com)

Re: FOIA-2024-01623  
DRH:ERH:GMG

Dear Tom Winter:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 28, 2024, in which you requested copies of all audio and video recordings associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

-2-

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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard".

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit S

My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Request



FOIA-2024-01609

Requester: Russell, Lauren

Status: Submitted

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	03/27/2024	Document Delivery Method	Email

Requester Information

Salutation		Address Type	
First Name	Lauren	Country	United States
Middle Name		Address Line 1	1909 K St NW
Last Name	Russell	Address Line 2	Floor 12
Email Address	russell@ballardspahr.com	City	Washington
Organization	Ballard Spahr LLP	State	District of Columb
Register Number		Zip/Postal Code	20006
Phone Number			
Fax Number			
Other Information			

Description of Request

Description	On behalf of Univision Networks & Studios, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.
File Type 1	
File 1	
File Type 2	
File 2	
File Type 3	
File 3	

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	There is an urgen Hur's interview wil Counsel's decisio classified docume of the interview h interest in reviewi
Expedited Processing Request Date	03/27/2024		
Standards for Expedition	2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. 4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.		

Fee Information

Will Pay Up To

Fee Category

Fee Waiver Requested? Yes

Fee Waiver Justification

Univision qualifies (A)(ii)(II) and may these recordings \ reporting that will contribute signific activities of the go commercial intere

# Exhibit T



**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

March 27, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 12th St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01609  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 27, 2024, in which you requested copies of all audio and video associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or



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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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is stylized and cursive.

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit U

HOME TRACKING INBOX

Tracking Inbox » Request



FOIA-2024-01615

Requester: Russell, Lauren

Status: Submitted

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	03/27/2024	Document Delivery Method	Email

Requester Information

Salutation	Ms.	Address Type	Work
First Name	Lauren	Country	United States
Middle Name		Address Line 1	1909 K St NW
Last Name	Russell	Address Line 2	Floor 12
Email Address	russell@ballardspahr.com	City	Washington
Organization		State	District of Columb
Register Number	202-661-7605	Zip/Postal Code	20006
Phone Number			
Fax Number			
Other Information			

Description of Request

Description	On behalf of The Washington Post, I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.
File Type 1	
File 1	
File Type 2	
File 2	
File Type 3	
File 3	

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	There is an urgen Hur's interview wit Counsel's decisioi classified docume of the interview he interest in reviewi
Expedited Processing Request Date	03/27/2024		
Standards for Expedition	2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. 4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.		

Fee Information

Will Pay Up To

Fee Waiver Justification

Fee Category

Fee Waiver Requested? Yes

The Washington F  
§ 552(a)(4)(A)(ii)(I  
Because these re  
preparation of nev  
general public, it v  
the operations or ;  
Washington Post:

# Exhibit V



**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

March 29, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 12th St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01615  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on March 27, 2024, in which you requested copies of all audio and video associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request. I have determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or

-2-

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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard". The signature is stylized and cursive.

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit W



My Account Sign Out Help

HOME TRACKING INBOX

Tracking Inbox » Request



FOIA-2024-01640

Requester: Russell, Lauren

Status: Submitted

Request

Request Information

Request Type	Request	Agency	OIP
Request Date	04/01/2024	Document Delivery Method	Email

Requester Information

Salutation	Ms.	Address Type	Work
First Name	Lauren	Country	United States
Middle Name		Address Line 1	1909 K St NW
Last Name	Russell	Address Line 2	Floor 12
Email Address	russell@ballardspahr.com	City	Washington
Organization	Ballard Spahr LLP	State	District of Columb
Register Number		Zip/Postal Code	20006
Phone Number	202-661-7605		
Fax Number			
Other Information			

Description of Request

Description	On behalf of Reuters News & Media Inc., I request all video or audio recordings of Special Counsel Hur's interview with President Biden on October 8 and 9, 2023.
File Type 1	
File 1	
File Type 2	
File 2	
File Type 3	
File 3	

Expedited Processing Information

Expedited Processing Requested?	Yes	Expedited Justification	There is an urgent interest in reviewing Hur's interview with Special Counsel's decision on the classified documents of the interview.
Expedited Processing Request Date	04/01/2024		
Standards for Expedition	2. An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. 4. A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.		

Fee Information

Will Pay Up To

Fee Category

Fee Waiver Requested? Yes

Fee Waiver Justification

Reuters qualifies for  
(A)(ii)(II) and may  
these recordings \  
reporting that will  
contribute signific  
activities of the go  
interest.

# Exhibit X



**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

April 2, 2024

Lauren Russell  
Ballard Spahr LLP  
1909 K St NW  
Floor 12  
Washington, DC 20006  
[russell@ballardspahr.com](mailto:russell@ballardspahr.com)

Re: FOIA-2024-01640  
DRH:ERH:GMG

Dear Lauren Russell:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on April 1, 2024, in which you requested copies of all audio and video recordings associated with the interviews of President Joseph Biden by Special Counsel Robert Hur.

You have requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." See 28 C.F.R. § 16.5(e)(1)(iv) (2018). Pursuant to Department policy, we directed your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See *id.* § 16.5(e)(2). The Director has determined that your request for expedited processing should be granted. Accordingly, your request has been assigned to an analyst in this Office and our processing of it has been initiated.

Although your request has been granted expedited processing, we are required to advise you that the records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request. Your request has been assigned to the expedited track and will be processed as soon as practicable.

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

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Adelphi Road, College Park, MD 20740-6001; e-mail 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 are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, 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 submitted within ninety 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,

A handwritten signature in black ink, appearing to read "Douglas R. Hibbard".

Douglas R. Hibbard  
Chief, Initial Request Staff