

# **EXHIBIT 2**

**From:** [Jankowski, Roman](#)  
**To:** ["Hibbard, Douglas \(OIP\)"](#)  
**Subject:** RE: Assignment of Rights re: FOIA-2024-03041 et Al. DRH  
**Date:** Friday, September 27, 2024 3:23:00 PM  
**Attachments:** [Assignment of Rights updated 9-27-24.pdf](#)

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Good afternoon. Attached are a notarized statement and explanatory letter assigning my rights to FOIA-2024-03041 to Mike Howell. My earlier email omitted pages. Sorry for any confusion.

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**From:** Jankowski, Roman  
**Sent:** Friday, September 27, 2024 2:00 PM  
**To:** Hibbard, Douglas (OIP) <Douglas.Hibbard@usdoj.gov>  
**Subject:** Assignment of Rights re: FOIA-2024-03041 et Al. DRH

Good Afternoon, Attached is a notarized record assigning my rights to FOIA-2024-03041 and transferring them to Mike Howell.

**The Oversight Project**



September 27, 2024

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

RE: FOIA-2024-03041 et al. DRH

Dear FOIA Officer,

I, Roman Jankowski, made the original request in this matter in my official capacity as Senior Investigative Counsel for the Heritage Foundation Oversight Project. I hereby assign all of my statutory rights under FOIA to Mike Howell, Executive Director of The Oversight Project. In this Assignment of Rights, Roman Jankowski transfers to Mike Howell the ability and right to pursue any administrative or legal methods at his disposal relative to this FOIA request, FOIA-2024-03041, and I surrender any claims I may have had with respect to this FOIA request.

The law of this Circuit is that FOIA claims may be assigned. For example, the D.C. Circuit has held that FOIA claims survive death and can be transferred to a deceased requester's legal representative. *See Sinito v. U.S. Dep't of Justice*, 176 F.3d 512, 517 (D.C.Cir.1999). Courts have held that this right extends to circumstances like those here. *See Nat'l Sec. Couns. v. C.I.A.(NSC I)*, 898 F. Supp. 2d 233, 258 (D.D.C. 2012) ("*NSC I*"), *aff'd sub nom. Nat'l Sec. Couns. v. CIA*, 969

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F.3d 406 (D.C. Cir. 2020) (“The logical result of the Circuit’s reasoning in *Sinito* is that courts should treat FOIA claims like claims to tangible property unless doing so would contravene public policy or undermine the “institutional interests” of the judiciary in regulating which parties have standing to sue.”); *Nat’l Sec. Couns. v. CIA*, 960 F.Supp.2d 101 (D.D.C. 2013) (“*NSC II*”).

The *NSC I* court held the assignment of a FOIA claim from one not-for-profit organization to another, during the pendency of assignor’s administrative appeal of agency’s decision to withhold information under exemptions, was valid and enforceable. 898 F. Supp. 2d at 259.

In *NSC II*, the court explained the likely factors for the assignment of FOIA rights. 960 F.Supp.2d at 141 n.16. “[T]he Court need not decide in what circumstances an agency can, consistent with the FOIA, refuse to recognize the assignment of a particular request.” *Id.* Important factors likely include, “the identity of interests between the two parties and the stage at which the request is being processed at the time of assignment.” *Id.* (citations omitted).

In an abundance of caution, I am submitting a notarized statement authorizing and confirming my assignment of these rights. *See NSC I*, 898 F.Supp.2d at 258–59 (“FOIA administrators should require proper documentation of an assignment for it to be recognized—most likely a notarized statement from the original requester that specifically identifies the assignee and the rights assigned.”).

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**The**   
**Heritage Foundation**

This assignment does not alter the applicable timeline for the underlying FOIA Requests. They are unambiguously constructively exhausted. *See Citizens for Resp. & Ethics in Washington v. Fed. Election Comm'n*, 711 F.3d 180, 185 (D.C. Cir. 2013). The Heritage Foundation and Mike Howell intend to immediately seek relief in Federal District Court to enforce their rights under FOIA.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at [oversightproject@heritage.org](mailto:oversightproject@heritage.org).

Sincerely,

Roman Jankowski  
Senior Investigator  
The Oversight Project  
The Heritage Foundation  
214 Massachusetts Ave, NE  
Washington, D.C. 20002

**The Oversight Project**

**The**   
**Heritage Foundation**

September 27, 2024

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

RE: FOIA-2024-03041 et al. DRH

Dear FOIA Officer,

As the original requestor in this matter, I, Roman Jankowski, assign all of my statutory rights under FOIA to Mike Howell, as Executive Director of The Oversight Project. In this Assignment of Rights, Roman Jankowski transfers to Mike Howell as Executive Director of The Oversight Project the ability and right to pursue any administrative or legal methods at his disposal relative to this FOIA request, FOIA-2024-03041, and I surrender any claims I may have had with respect to this FOIA request.

In an abundance of caution, I am submitting a notarized statement authorizing and confirming my assignment of these rights. *See Nat'l Sec. Couns. v. C.I.A.*, 898 F. Supp. 2d 233, 258–59 (D.D.C. 2012) (“FOIA administrators should require proper documentation of an assignment for it to be recognized—most likely a notarized statement from the original requester that specifically identifies the assignee and the rights assigned.”).

**The Oversight Project**



Thank you in advance for considering this assignment. If you have any questions, or feel you need clarification of this request please contact me at [oversightproject@heritage.org](mailto:oversightproject@heritage.org).

Sincerely,  
*Roman Jankowski*  
/s/ Roman Jankowski  
Roman Jankowski  
Senior Investigator  
The Oversight Project  
The Heritage Foundation  
214 Massachusetts Ave, NE  
Washington, D.C. 20002

Subscribed and sworn before me this 27th day of September, 2024.

*Jean Marie Barry*  
Notary Public

District of Columbia  
Signed and sworn to (or affirmed) before me  
on 9/27/2024 by Roman Jankowski  
Date Name(s) of Individual(s) making statement  
*Jean Marie Barry*  
Signature of Notarial Officer, Notary Public, Washington D.C.  
My Commission Expires: 09/14/2025

