

EXHIBIT

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James Valvo

From: Banerjee, Carmen M. (TAX) <Carmen.M.Banerjee@usdoj.gov>
Sent: Monday, August 15, 2016 1:46 PM
To: James Valvo
Subject: RE: FOIA #11018 - Valvo

Thank you, James.

From: James Valvo [mailto:james.valvo@causeofaction.org]
Sent: Monday, August 15, 2016 1:41 PM
To: Banerjee, Carmen M. (TAX)
Subject: RE: FOIA #11018 - Valvo

Ms. Banerjee,

This email summarizes our phone call today regarding the scope of FOIA #11018.

I explained that CoA Institute is seeking the entirety of the two records I sent you previous to the call. Those records are (1) an email chain on or about May 22, 2014 between, among others, Norah Bringer and Gretchen Wolfinger, and (2) a November 2011 report entitled Current Practices for Attorney Assignments, Transfers, and Details.

DOJ-Tax had previously released versions of these records to CoA Institute in response to a different FOIA request, but with significant information withheld as “non-responsive.” I explained to you that CoA Institute’s position is that these were improper uses of “non-responsive” as a withholding tool and that this current request, FOIA #11018, requested the entirety of these records. CoA Institute does not envision DOJ-Tax needing to conduct any additional searches for responsive records; we only seek the entirety of these two records.

After I explained the scope and intent of our request, you asked if I had any materials to support our position. I then sent you a link to a recent case from the D.C. Circuit, *American Immigration Lawyers Association v. Executive Office for Immigration Review*. In that case, the Circuit wrote: “if the government identifies a record as responsive to a FOIA request, can the government nonetheless redact particular information within the responsive record on the basis that the information is non-responsive? We find no authority in the statute for the government to do so.”

I hope that this email and our phone call help clarify CoA Institute’s request. Please do not hesitate to contact me if you have further questions.

Best,

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