

## Appeal Confirmation

### Original Request Information

Tracking Number : 1369410-000  
Requester Name : Andrew Muscato  
Date Submitted : 03/16/2017  
Request Phase : Submitted  
Request Track : Simple

### Appeal Information

Appeal Number : *DOJ-AP-2017-003191*  
Requester Name : Mr. Daniel R. Novack  
Date Appealed : 03/27/2017

Basis for Appeal : Mr. Muscato and Dr. Rodenberg's request has been inappropriately treated as a FOIPA request. The request is not for Mr. Donaghy's FBI file; rather, it is for the materials related to his prosecution. Therefore, it is not necessary to provide authorization. Further, exemptions 6 and 7(C) are inapplicable because Mr. Donaghy has no privacy interest due to his public prosecution and conviction. Even if he did, the public interest in determining whether the Department of Justice adequately addressed corruption in the National Basketball Association far outweighs Mr. Donaghy's diminimus privacy interest. To wit, Mr. Donaghy has written a book about his experience. To the extent that Mr. Donaghy - or others - have any privacy interests, they can be protected through redaction. Sincerely, Daniel R. Novack, attorney for Mr. Muscato, Dr. Rodenberg, and Makuhari Media.