

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

NEW CIVIL LIBERTIES ALLIANCE	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	
FEDERAL BUREAU OF INVESTIGATION	)	Civil Action No. 25-974 (CJN)
	)	
and	)	
	)	
DEPARTMENT OF JUSTICE	)	
	)	
<i>Defendants.</i>	)	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AND  
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT**

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## INTRODUCTION

Upon receipt of Plaintiff's January 2023 Freedom of Information Act ("FOIA") request, Defendant Federal Bureau of Investigation ("FBI") either failed to reasonably interpret the request or deliberately recast it in a narrower, self-serving form: as a request limited to records of FBI reimbursements to Twitter and similar platforms for their compliance with routine legal process. But Plaintiff did not, in fact, limit its request to records concerning subpoenas, warrants, or other formal legal process. Plaintiff requested records relating to FBI payments to Twitter and comparable entities for time spent processing *any* FBI "requests." That broader formulation was deliberate. Plaintiff seeks records necessary to determine whether FBI's payments were limited to statutorily authorized reimbursements, or whether taxpayer funds were also used to induce, facilitate, or compensate other actions intended to limit speech. Yet for over three years, FBI has treated Plaintiff's request as though it sought only one discrete category of records that, conveniently enough, FBI could claim was subject to a categorical *Glomar* response, thereby purporting to relieve itself of any obligation to determine whether responsive documents exist.

FBI's cramped interpretation cannot be squared with the contents of Plaintiff's actual request, which seeks records relating to: (1) an estimated \$3,415,323 that FBI paid to Twitter beginning in October 2019, for time spent processing "requests" made by FBI; and (2) similar payments FBI made to comparable entities. Plaintiff's request was based, in part, on the Twitter Files and the testimony of an FBI agent that demonstrated FBI's repeated efforts and intermittent success in enlisting social media companies in "content moderation," that is, the censorship of alleged dis- or misinformation. FBI's methods included "takedown" requests (i.e., requests for the removal of posts or accounts), demands that platforms monitor and report on specified categories

of speech, and pressure imposed on the companies to alter their content moderation policies and practices.

Had FBI complied with FOIA, it would have searched for records relating to the payments at issue and then determined, based on those records, whether the payments were for a law enforcement purpose or for some other action taken at FBI's request. Only after making that threshold determination could FBI assess whether any responsive record might be subject to a FOIA exemption. Instead, as DOJ confirmed when denying Plaintiff's administrative appeal, "FBI did not conduct a search for the requested records." Declaration of Luke Dardis ("Dardis Decl.") ¶ 8, Ex. D. Defendants' wholesale refusal to search for responsive records of any sort violates their obligations under FOIA.

None of these defects are remedied by Defendants' production of 51 pages of heavily redacted documents, made over a year after Plaintiff filed suit. FBI's belated production rests on an illusory concession: it is "no longer asserting ... *Glomar* over the fact that it reimbursed Twitter ... for costs Twitter incurred by fulfilling legal process requests from the FBI." Joint Status Report ¶ 4, Dkt. No. 18. FBI has, of course, publicly acknowledged its reimbursement to Twitter since at least<sup>1</sup> July 2023. *See* Compl. ¶ 17 & n.3. Moreover, FBI had already made that same concession in litigation in 2024.<sup>2</sup> The associated litigation delay for FBI's meager offering in this case is

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<sup>1</sup> FBI appears to have made this acknowledgement even earlier. On December 21, 2022, Fox News reported FBI's statement characterizing the \$3,415,323 payment to Twitter as a "reimbursement" for "reasonable costs and expenses associated with [Twitter's] response to a legal process" and for "complying with legal requests, and a standard procedure," further stating that FBI does not "just reimburse Twitter." Jake Gibson & Adam Sabes, *FBI Responds to Twitter Files Disclosures, Says It Didn't Request "Any Action" on Specific Tweets*, Fox News (Dec. 21, 2022), <https://www.foxnews.com/politics/fbi-responds-twitter-files-disclosures-says-didnt-request-any-action-specific-tweets>.

<sup>2</sup> Decl. of Shannon R. Hammer ¶ 16, *Judicial Watch, Inc. v. U.S. Dep't of Just.*, 821 F. Supp. 3d 20 (D.D.C. 2026) (No. 1:23-cv-03004-JEB), Dkt. No. 17-2 (describing FBI's first and final

inexplicable. More importantly, without explanation or merit, Defendants maintain their *Glomar* assertion for the rest—indeed the vast majority—of Plaintiff’s request. Defendants’ continuing reliance on *Glomar* underscores that they still have not even searched for documents that would confirm whether FBI has made other payments to Twitter or similar companies, and for what purpose.

Even as to Defendants’ limited production, both the search and production are deficient. First, Plaintiff requested records concerning payments FBI made, not merely invoices it received. Yet FBI produced only incoming invoices without producing records reflecting FBI’s own payment decisions, approvals, disbursements, or the agency’s understanding of what it was paying for and why. Additionally, Defendants cannot justify the mass redactions of those invoices. Defendants have repeatedly publicly acknowledged that FBI has reimbursed Twitter for costs incurred in responding to legal process as permitted under the Stored Communications Act. Having made that acknowledgement, Defendants cannot justify redacting every indication as to why Twitter was invoicing FBI in the first place. If the invoices only concern responses to search warrants, subpoenas, or other “legal process,” Defendants can disclose or leave unredacted information indicating that purpose, while redacting legitimately sensitive case-specific information.

In short, Defendants cannot justify their longstanding abdication of the basic duties that FOIA imposes. Defendants must, at a minimum, conduct a reasonable search for records responsive to Plaintiff’s actual request, determine what payments FBI made to Twitter and the other entities identified in that request, and assess whether a FOIA exemption is appropriate only

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production of 44 pages of records on June 14, 2024, containing “invoices for reimbursement following the completion of legal process requests with Twitter, Inc.”).

after conducting a search and identifying the records in the first place. Defendants must then produce all non-exempt records and reasonably segregable information, including information sufficient to show whether the payments at issue were for subpoenas, warrants, or another law enforcement purpose—or were instead for some other action taken at FBI’s request.

### ADDITIONAL BACKGROUND

In an Executive Order issued on January 20, 2025, the President acknowledged that, over the previous four years, the government “trampled free speech rights by censoring Americans’ speech on online platforms, often by exerting substantial coercive pressure on third parties, such as social media companies, to moderate, deplatform, or otherwise suppress speech that the Federal Government did not approve.”<sup>3</sup> These circumstances spawned a significant number of lawsuits.<sup>4</sup>

A small part of the FBI’s role in this censorship endeavor was revealed in the *Missouri v. Biden* lawsuit.<sup>5</sup> In very brief summary, based on the Twitter files, the deposition of an FBI agent, and public testimony by social media company officers, it was evident that, not long after the 2016 presidential election and throughout the Covid pandemic, the FBI participated in regular “industry working group” meetings with major social media platforms, including Twitter, and also held “bilateral” meetings, during which FBI would meet with the respective social media platforms separately to discuss the platforms’ content moderation policies and means of addressing (i.e., censoring) purported disinformation. *Id.* ¶¶ 861–879. These meetings would become more intense

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<sup>3</sup> Exec. Order No. 14149, 90 Fed. Reg. 8243, 8243 (Jan. 20, 2025).

<sup>4</sup> See, e.g., *Missouri v. Biden*, 662 F. Supp. 3d 626 (W.D. La. 2023); *Daily Wire, LLC v. U.S. Dep’t of State*, 733 F. Supp. 3d 566 (E.D. Tex. 2024); *Dressen v. Flaherty*, No. 3:23-cv-00155, 2025 WL 3552358 (S.D. Tex. Dec. 11, 2025), *appeal docketed*, No. 26-40207 (5th Cir. Apr. 16, 2026); *Changizi v. Dep’t of Health & Hum. Servs.*, 82 F.4th 492 (6th Cir. 2023).

<sup>5</sup> Pls.’ Proposed Findings of Fact in Supp. of Their Mot. for Prelim. Inj. ¶¶ 853–967, *Missouri v. Biden*, 680 F. Supp. 3d 630 (W.D. La. 2023) (No. 3:22-cv-01213), Dkt. No. 212-3.

and frequent as the 2020 and 2022 national elections neared. *Id.* ¶ 869. In the days leading up to the elections, FBI would continuously monitor content posted across social media platforms and forward flagged posts to the companies for potential action, including removal altogether from the platforms. *Id.* ¶¶ 879, 925–928. The FBI’s discussions with social media companies would include “strategic” and “tactical” information, such as IP addresses, accounts, and domain names of concern. *Id.* ¶¶ 906, 909, 931. FBI would then ask the social media companies to report back to the agency on the specific actions the companies had taken with respect to the accounts that FBI flagged. *Id.* ¶¶ 935–37.

Additionally, in the lead-up to the 2020 election, FBI repeatedly warned social media companies to expect a “hack-and-dump” operation—that is, the illicit acquisition and public release of sensitive information—and pressed the social media companies on how they would respond if such materials were posted on their platforms. *Id.* ¶¶ 880–895, 902–904. It is disputed whether FBI’s pre-bunking explicitly referred to Hunter Biden. *Id.* ¶ 895–900. FBI also contemplated implementing a seizure warrant if the platforms did not act voluntarily. *Id.* ¶ 888. When the Hunter Biden laptop story broke in October 2020, Twitter blocked all users from sharing the New York Post’s article, locked the Post’s account, and prevented users who had previously shared the article from posting new content until they deleted their posts sharing the story. *Id.* ¶ 904.

In short, throughout the period of 2019–2023, there was no shortage of “requests” that FBI directed to Twitter and other social media companies.

### **STANDARD OF REVIEW**

The purpose of FOIA is to penetrate administrative secrecy and enhance public scrutiny of government action. *See Property of the People, Inc. v. DOJ*, 530 F. Supp. 3d 57, 60 (D.D.C. 2021).

FOIA requires agencies to release records responsive to a reasonable request for production unless such records are subject to explicit and limited exemptions. *Id.* To serve this purpose, FOIA creates a strong presumption in favor of agency disclosure. *Id.*

Thus, “the burden of proof is always on the agency to demonstrate that it has fully discharged its obligations under the FOIA.” *McKinley v. FDIC*, 756 F. Supp. 2d 105, 111 (D.D.C. 2010) (citing *DOJ v. Tax Analysts*, 492 U.S. 136, 142 n.3 (1989)). For example, “[A]n agency responding to a FOIA request must conduct a search reasonably calculated to uncover all relevant documents, and, if challenged, must demonstrate beyond material doubt that the search was reasonable.” *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990) (cleaned up)

The agency also bears the burden of justifying any decision to withhold information pursuant to a FOIA exemption. *See, e.g.*, 5 U.S.C. § 552(a)(4)(B); *Petroleum Info. Corp. v. U.S. Dep’t of Interior*, 976 F.2d 1429, 1433 (D.C. Cir. 1992) (“[T]he ‘burden is on the agency’ to show that requested material falls within a FOIA exemption.”). And the permitted exemptions are “narrowly construed.” *See Milner v. Dep’t of Navy*, 562 U.S. 562, 565 (2011) (quoting *FBI v. Abramson*, 456 U.S. 615, 630 (1982)). To carry its burden an agency must provide “a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.” *Mead Data Ctr., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977); *see also Strunk v. U.S. Dep’t of State*, 845 F. Supp. 2d 38, 47 (D.D.C. 2012) (agency offered “too little detail” to justify its withholding of records under Exemption 7(E)).

And, even if parts of the requested records contain exempt information, “the agency must still release ‘any reasonably segregable portion’ after deletion of the nondisclosable portions.” *Oglesby v. U.S. Dep’t of Army*, 79 F.3d 1172, 1176 (D.C. Cir. 1996) (quoting 5 U.S.C. § 552(b)).

Only if non-exempt portions of requested materials are “inextricably intertwined with exempt portions” can the agency withhold the entire record. *Johnson v. Exec. Off. for U.S. Att’ys*, 310 F.3d 771, 776 (D.C. Cir. 2002) (quoting *Mead Data Ctr.*, 566 F.2d at 260).

“Most FOIA cases are appropriately decided on motions for summary judgment.” *James Madison Project v. DOJ*, 302 F. Supp. 3d 12, 19 (D.D.C. 2018) (citing *Brayton v. Off. of the U.S. Trade Representative*, 641 F.3d 521, 527 (D.C. Cir. 2011)). Summary judgment is appropriate if there is no genuine dispute of any material fact. Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986). The facts must be viewed in the light most favorable to the nonmovant. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

## ARGUMENT

FOIA requires federal agencies to make requested records “promptly available to any person” unless the agency specifically demonstrates that the requested records fall within one of FOIA’s narrow statutory exemptions. *See* 5 U.S.C. § 552(a)(2), (a)(3)(A). Defendants have not come close to making that showing. From the outset, FBI construed Plaintiff’s request in the narrowest possible manner and then relied on its self-serving interpretation as an excuse to sidestep its obligations under FOIA. Without conducting any search, FBI assumed that all responsive records would necessarily satisfy every predicate of Exemption 7(E) related to a law enforcement purpose and the dangers of disclosure. In fact, it invoked Exemption 7(E) and the *Glomar* doctrine to avoid determining whether a single responsive record even exists. Eventually, FBI reproduced a few heavily redacted documents, duplicating and slightly supplementing a production made in prior FOIA litigation,<sup>6</sup> while conducting no segregability analysis. That is not a lawful FOIA

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<sup>6</sup> *See* Decl. of Shannon R. Hammer ¶ 16, *Judicial Watch, Inc. v. U.S. Dep’t of Just.*, 821 F. Supp. 3d 20 (D.D.C. 2026) (No. 1:23-cv-03004-JEB), Dkt. No. 17-2.

response. Because Defendants have failed to meet their burden under FOIA, Plaintiff is entitled to summary judgment.

## **I. DEFENDANTS CONTRAVENED THEIR FOIA OBLIGATIONS**

### **A. Defendants Illiberally Misconstrued Plaintiff’s Request, Failed to Conduct a Search, and Cannot Justify Categorically Claiming an Exemption**

FBI improperly construed Plaintiff’s FOIA request from the outset and, as a result, has failed to fulfill its duties under FOIA. Agencies have a duty to construe FOIA requests liberally. *Nation Mag., Wash. Bureau v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995); *see also LaCedra v. Exec. Off. for U.S. Att’ys*, 317 F.3d 345, 348 (D.C. Cir. 2003) (agency could not narrowly construe a broad FOIA request by treating subset of requested records as full scope of the request). Indeed, courts in this Circuit have stated that an agency responding to a FOIA request must “select the interpretation [of the request] that would likely yield the greatest number of responsive documents.” *Conservation Force v. Ashe*, 979 F. Supp. 2d 90, 102 (D.D.C. 2013);

Plaintiff here requested “copies of certain records and documents of the ... FBI[] related to reimbursements it paid to Twitter, as well as other social media platforms (e.g., Facebook, Instagram, Meta, Snap Chat, LinkedIn, Tik Tok, etc.), interactive computer services (e.g., Google), [and others] as reimbursement for time spent processing requests made by the FBI.” Dardis Decl. ¶ 4, Ex. A. Plaintiff then referenced, as an example, a Twitter document stating that the “FBI reimbursed Twitter for ‘time spent processing requests from the FBI.’” *Id.* Plaintiff elaborated, stating it was seeking:

[A]ll records, including but not limited to contracts, grants, financial records and receipts, internal memoranda, email correspondence, and other forms of communication, including ELSUR and cross-reference documents since October 1, 2019: 1. Relating to the \$3,415,323 that FBI reportedly paid Twitter since October 1, 2019; and 2. Relating to reimbursements paid to other social media platforms, interactive computer services, think tanks, academic institutions, newspapers, media companies, and/or non-governmental organizations for time spent processing FBI requests.

*Id.*

The natural reading of Plaintiff’s request, and a reading consistent with FOIA requirements, reveals that Plaintiff sought all records relating to reimbursements that FBI made to Twitter and similar companies for time such entities spent processing requests FBI made of them from October 1, 2019, through January 19, 2023. Nothing in Plaintiff’s request indicates that it sought only one specific type of document or that Plaintiff only sought records regarding requests that FBI made for law-enforcement purposes. Plaintiff’s request did not mention subpoenas, search warrants, or case files. Indeed, Plaintiff seeks documents related to FBI reimbursing companies for “content moderation” and similar actions—for limiting speech that was disfavored, but not unlawful.

Yet, within seven business days of receiving Plaintiff’s FOIA request, FBI responded claiming, “The FBI can neither confirm nor deny the existence of records responsive to your request pursuant to FOIA Exemption (b)(7)(E) [5 U.S.C. § 552(b)(7)(E)]. The nature of your request implicates records the FBI may or may not compile for law enforcement purposes.” Dardis Decl. ¶ 5, Ex. B. In their denial of Plaintiff’s appeal, Defendants confirmed that FBI had not even searched for a single record. *Id.* ¶ 8, Ex. D. Thus, one FOIA violation—Defendants’ illiberal interpretation—led to another FOIA violation: their inadequate search for records.

Had Defendants construed Plaintiff’s request as FOIA requires, they could not have invoked Exemption 7(E) without first searching for responsive documents and reviewing what those records actually reflect. Exemption 7(E) is limited to “records or information compiled for law enforcement purposes,” and *only* to the extent that such materials “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.” 5 U.S.C. § 552(b)(7)(E). Courts in the D.C. Circuit require that an Exemption 7(E) claimant “show a risk of circumvention of the law regardless of whether a law

enforcement technique, procedure, or guideline is at stake.” *Advancement Proj. v. DHS*, 549 F. Supp. 3d 128, 142 n.5 (D.D.C. 2021) (citing *Pub. Emps. for Env’t Resp. v. U.S. Section, Int’l Boundary & Water Comm’n, U.S.-Mex.*, 740 F.3d 195, 204 n.4 (D.C. Cir. 2014)); see also *Blackwell v. FBI*, 646 F.3d 37, 40–42 (D.C. Cir. 2011).

To justify a withholding under Exemption 7(E), an agency must demonstrate that: “(1) the records were ‘compiled for law enforcement purposes,’ (2) the redacted information would ‘disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions,’ and (3) ‘the release of the requested information might create a risk of circumvention of the law.’” *Kolbusz v. FBI*, No. 1:17-cv-00319, 2021 WL 1845352, at \*23 (D.D.C. Feb. 17, 2021) (quoting *Shapiro v. DOJ*, 393 F. Supp. 3d 111, 115 (D.D.C. 2019)). Defendants could not, however, reach that determination without actually searching for and then reviewing the reimbursements that FBI made and the purposes that those reimbursements served. Did FBI, for example, pay Twitter and other companies to consider, implement, or enforce content-moderation actions suggested by the agency? To act on informal “takedown” requests that did not carry the legal force of a subpoena, warrant, or court order? To staff up its content moderation efforts and responses to political “disinformation” posted on the platforms around elections? To modify algorithms, reporting systems, or other internal processes to advance FBI’s objectives concerning alleged dis- or misinformation? By adopting a narrow, self-serving interpretation of Plaintiff’s request and refusing to conduct a search, FBI sidestepped its obligation to review the very records that would answer those questions.

**B. Defendants Cannot Presume That All FBI Records Are Compiled for Law Enforcement Purposes and Otherwise Satisfy Exemption 7(E)’s Requirements**

Defendant’s categorical approach further lacks justification given that courts have repeatedly rejected the argument that the records of law enforcement agencies, such as FBI and

DOJ, per se satisfy FOIA Exemption 7(E)'s threshold requirement that any withheld records were compiled for a law enforcement purpose. *See, e.g., Shapiro v. DOJ*, 893 F.3d 796, 800 (D.C. Cir. 2018) (FBI was required under Exemption 7(E) to show that documents are compiled for law enforcement purposes *and* that their disclosure might risk circumvention of law); *Pratt v. Webster*, 673 F.2d 408, 415 (D.C. Cir. 1982) (rejecting FBI's argument that all records held by FBI are compiled for law enforcement purposes). Indeed, "not every document compiled by a law enforcement agency is compiled for a law enforcement purpose." *Advancement Proj.*, 549 F. Supp. 3d at 144 (quoting *100Reporters LLC v. DOJ*, 248 F. Supp. 3d 115, 159 (D.D.C. 2017)).

To establish that requested materials were compiled for law enforcement purposes, law enforcement agencies must show that "(1) a withheld record's creation was 'related to the enforcement of federal laws or to the maintenance of national security' and (2) the nexus between the record's creation and the agency's law enforcement duties is 'based on information sufficient to support "at least a colorable claim" of its rationality.'" *Id.* (quoting *Pinson v. DOJ*, 202 F. Supp. 3d 86, 102 (D.D.C. 2016)). Reliance on "unadorned statement[s] to establish a law enforcement purpose for these [withheld] records flouts more than 35 years of precedent that establishes that such bare contentions are simply not enough." *Brick v. DOJ*, 293 F. Supp. 3d 9, 11 (D.D.C. 2017); *see also Oglesby*, 79 F.3d at 1184 (rejecting agency's affidavits that "offer no functional description of the documents" and that "contain only sweeping and conclusory assertions that the agency withheld the documents because they contained material which could reasonably be expected to cause damage to national security").

Defendants have made no showing that the records responsive to Plaintiff's request were compiled for law enforcement purposes. Nor have they explained how the requested materials—whether in whole or in any reasonably segregable part—would disclose techniques, procedures, or

guidelines used in law enforcement investigations or prosecutions. *See Property of the People, Inc. v. DOJ*, 539 F. Supp. 3d 16, 28 (D.D.C. 2021) (rejecting 7(E) withholding of FBI physical surveillance records where physical surveillance is technique well known to the public). And Defendants have offered no non-conclusory explanation as to how acknowledging the existence of, describing, or producing such records could “reasonably be expected to risk circumvention of the law.” 5 U.S.C. § 552(b)(7)(E). FBI’s perfunctory response to Plaintiff’s request did no more than recite Exemption 7(E)’s statutory language while categorically refusing to produce any responsive records, or even to confirm or deny their existence.

And, as explained below, Defendants’ later production of 51 pages of invoices and their transmittals, redacted to disclose little beyond dates, does not cure those defects.

### **C. Defendants Improperly Invoke the *Glomar* Doctrine**

Defendants have failed to justify their initial invocation and continued reliance on the *Glomar* doctrine. First, as explained above, Plaintiff’s request is not limited to any single category of documents, and Defendants’ willfully blind assumption that all responsive records would necessarily constitute law enforcement records far from satisfies FOIA’s requirements. Second, the records Plaintiff requested do not, by their nature, categorically implicate the privacy concerns that normally support a *Glomar* response. Plaintiff seeks records concerning payments and reimbursements to social media companies and similar entities—not investigative files concerning a particular individual or records whose very existence necessarily reveals a protected law-enforcement technique. Third, FBI’s prior public acknowledgements that it reimburses Twitter and other providers for compliance with legal process precludes a universal application of *Glomar* to each and every requested record.

*Glomar* responses most often protect privacy interests implicated by FOIA requests seeking law-enforcement records about named individuals. *See* GUIDEBOOK TO THE FREEDOM OF

INFORMATION AND PRIVACY ACTS, § 12:25, p. 603 (15th ed., 2015). Under such circumstances, an agency's confirmation or denial of the requested records may itself reveal sensitive information—namely, whether a particular person appears in criminal law enforcement files—thereby allowing the public to draw adverse inferences from the mere existence of such records. *Id.* It is precisely for that reason that agencies typically use *Glomar* responses under Exemption 7(C), which applies to information compiled for law enforcement purposes that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C).

Here, however, Plaintiff seeks records related to reimbursements made to social media companies and similar entities, not investigative files related to Twitter or any other entity or individual. Plaintiff's request seeks records reflecting what payments or reimbursements FBI made to these entities and for what purpose, along with related contracts, correspondence, memoranda, receipts, and materials supporting the legitimacy of such payments (to the extent responsive to Plaintiff's request). Such records do not, by their nature, categorically implicate the privacy interests that typically justify *Glomar*. And if particular records contain case-specific information or references to an individual under investigation, Defendants may redact those portions. They may not, however, invoke the mere possibility that some records might contain portions of sensitive information to avoid conducting a search and reviewing the contents of any responsive documents in the first place.

FBI provided the *Glomar* response in this case under Exemption 7(E), rather than (C). Even *Glomar* responses made under Exemption 7(E), however, typically raise privacy interest concerns of individuals. *See, e.g., Vazquez v. U.S. Dep't of Just.*, 887 F. Supp. 2d 114, 117-18 (D.D.C. 2012) (affirming agency's *Glomar* response under 7(E) to prevent public confirmation of whether or not individual was listed in FBI's national crime information center databases); *El Badrawi v.*

*Department of Homeland Sec.*, 596 F. Supp. 2d 389, 396 (D. Conn. 2009) (proper assertion of *Glomar* response when agency refused to confirm or deny that particular individual was subject of interest). The scope of records that NCLA seeks cannot universally be assumed—without even conducting a search—to raise such privacy concerns.

Finally, even if it turns out that the only documents responsive to Plaintiff’s request would be or are those reflecting reimbursement for response to legal process, Defendants’ *Glomar* response would remain inappropriate. A *Glomar* response is “permitted only when confirming or denying the existence of records would itself ‘cause harm cognizable under an FOIA exemption.’” *ACLU v. CIA*, 710 F.3d 422, 426 (D.C. Cir. 2013) (quoting *Roth v. DOJ*, 642 F.3d 1161, 1178 (D.C.Cir.2011) and *Wolf v. CIA*, 473 F.3d 370, 374 (D.C.Cir.2007)). By asserting a 7(E) response, Defendants assert that responsive documents would “disclose techniques, procedures, or guidelines used in law enforcement investigations or prosecutions” such that describing, or producing such records could “reasonably be expected to risk circumvention of the law.” 5 U.S.C. § 552(b)(7)(E).

But the DC Circuit has recognized that “when an agency has officially acknowledged otherwise exempt information through prior disclosure, the agency has waived its right to claim an exemption with respect to that information.” *ACLU*, 710 F.3d at 426. Thus, in the *Glomar* context, “the ‘specific information’ at issue is not the contents of a particular record, but rather ‘the existence *vel non*’ of any records responsive to the FOIA request.” *Id.* at 427. Here, in response to questions posed by Congressional committees, the FBI has repeatedly acknowledged that it makes payments to social media companies and other providers. Stmt. of Undisputed Facts ¶¶ 6, 10. Indeed, FBI made its first such acknowledgement no later than July of 2023, *before* DOJ denied Plaintiff’s appeal and confirmed FBI’s *Glomar* assertion. *Id.* ¶ 6. Moreover, the FBI Director’s

testimony states that such payments have been permitted for decades, obliquely referencing the Stored Communications Act, which was passed in 1986 and authorizes such payments. *Id.* ¶ 10; 18 U.S.C. § 2706. FBI therefore had no basis to refuse to acknowledge the existence of records concerning the very reimbursement practices it had already publicly acknowledged. And while Plaintiff's request is not limited to reimbursements authorized by the Stored Communication Act, FBI's acknowledgement of such reimbursements exposes the presumptuous error in FBI's original *Glomar* assertion.<sup>7</sup>

## II. DEFENDANTS' BELATED, LIMITED PRODUCTION FAILS TO MEET THEIR FOIA OBLIGATIONS

The 51 heavily redacted pages that Defendants produced over three years after Plaintiff's initial request and over a year after Plaintiff was compelled to file this lawsuit do not cure any of the FOIA violations Defendants have committed. Rather, the production itself, besides being far too narrow, suffers additional material flaws. To date, Defendants have provided nothing other than *ipse dixit* conclusions to justify information that they have withheld. They have also offered no explanation as to why they have provided records related only to invoices, but not to payments. Additionally, given that is common knowledge and an FBI-acknowledged fact that the agency pays providers for expenses incurred in complying with third-party subpoenas, FBI should, at a minimum and where applicable, leave unredacted information from its productions sufficient to confirm that that is the reason behind the payments associated with the records that it did produce.

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<sup>7</sup> Defendants also violated their FOIA obligations by failing to make a determination with respect to Plaintiff's appeal within twenty working days after receipt of such appeal. 5 U.S.C. § 552(a)(6)(A)(ii). Defendant DOJ acknowledged receipt of Plaintiff's appeal on April 28, 2023. Dardis Decl. ¶ 5, Ex. G. Yet it was not until August 15, 2023—nearly three months beyond the statutory deadline—that Defendants issued their determination. By failing to provide a timely determination with respect to Plaintiff's appeal, Defendants have waived any ability to charge fees for processing Plaintiff's request. *Bensman v. Nat'l Park Serv.*, 806 F. Supp. 2d 31, 38 (D.D.C. 2011).

**A. Defendants Have Failed to Demonstrate the Elements Required to Prove a 7(E) Exemption**

Exemption 7(E) does not permit an agency to withhold records—or refuse to acknowledge their existence entirely—by merely repeating the exemption’s statutory language. Yet that is all that Defendants have done here. They have offered only a “near-verbatim recitation” of Exemption 7(E)’s statutory standard that “does nothing to explain ‘what procedures are at stake’ or ‘how disclosure [of the withheld records] could reveal such procedures.’” *Advancement Proj.*, 549 F. Supp. 3d at 146 (alteration in original) (quoting *Citizens for Resp. & Ethics in Washington v. DOJ*, 746 F.3d 1082, 1102 (D.C. Cir. 2014) (DOJ failed to provide sufficient detail to justify FBI’s categorical withholding under Exemption 7(E)); *see Dalal v. DOJ*, 643 F. Supp. 3d 33, 70 (D.D.C. 2022) (requiring agency to explain in as much detail as possible why it cannot confirm existence of certain records, to provide affidavits describing why documents were withheld, and to explain, with specificity, why disclosure would harm law enforcement interests); *see, also Khatchadourian v. FBI*, 821 F. Supp. 3d 1, 17 (D.D.C. 2025) (recounting FBI’s “vague and conclusory” explanation to justify applying exemption); *Kolbusz*, 2021 WL 1845352, at \*24 (same) (quoting *Am. Immigr. Council v. DHS*, 950 F. Supp. 2d 221, 236, 246 (D.D.C. 2013) (same)).

Defendants have done precisely what controlling precedent forbids: they have invoked Exemption 7(E) at a high level of generality without explaining how the withheld information would reveal any law-enforcement technique, procedure, or guidelines while also risking circumvention of the law. Defendants’ generalized invocation of Exemption 7(E) currently leaves Plaintiff and the Court with no basis to assess the applicability of the claimed exemption or the sweeping redactions applied to the scant records that FBI eventually produced.

Moreover, FOIA Exemption 7(E) is “subject to the foreseeable harm requirement,” meaning that *even if* the exemption does apply, an agency may withhold requested records only if

it “reasonably foresees that disclosure would harm an interest protected by an exemption.” *Leopold v. DOJ*, 94 F.4th 33, 37–38 (D.C. Cir. 2024) (citation omitted). That burden is “independent and meaningful.” *Id.* at 37-38 (the agency “must provide ‘a focused and concrete demonstration of why disclosure of the particular type of material at issue will, in the specific context of the agency action at issue, actually impede’ the interests protected by a FOIA exemption.”) (quoting *Reporters Comm. for Freedom of the Press v. FBI*, 3 F.4th 350, 369-370 (D.C. Cir. 2021)). Indeed, Congress added the distinct “foreseeable harm requirement” to foreclose the withholding of material *unless* the agency can “articulate both the nature of the harm [from release] and the link between the specified harm and specific information contained in the material withheld.” *Reporters Comm.*, 3 F.4th at 369 (quoting H.R. Rep. No. 391, at 9 (2016)). To date, Defendants have not even attempted to satisfy that burden.

Further, Defendants have made no effort to explain how any of the requested materials—including FBI’s \$3,415,323 payment to X, which FBI itself described as a reimbursement to X for complying with legal requests, and a common procedure—would disclose techniques, procedures, or guidelines for law enforcement investigations or prosecutions and risk circumvention of the law. To withhold requested records under Exemption 7(E), an agency “must show that the records contain law-enforcement techniques and procedures that are generally unknown to the public.” *Hansten v. DEA*, No. 21-2043, 2022 WL 2904151, at \*3 (D.D.C. July 22, 2022) (citing *Elkins v. FAA*, 134 F. Supp. 3d 1, 4 (D.D.C. 2015)). As described above, due to existing disclosures, the public is already aware of certain payments related to Plaintiff’s request. Further, it is unclear how disclosure would pose a risk of circumvention of the law with respect to any payment that has been made according to standard procedures and pursuant to a publicly known statute or policy that outlines those very procedures.

### **B. Defendants Failed to Conduct the Required Segregability Analysis**

Even assuming that FBI may validly withhold *some* of the requested materials under Exemption 7(E), FBI is still required to produce all non-exempted materials, redacting only that information which qualifies for exemption. *Shapiro v. DOJ*, 153 F. Supp. 3d 253, 272 (D.D.C. 2016) (“Under well-established law, an agency cannot justify withholding an entire document simply by showing that it contains some exempt material”).

In this case, Defendants were obligated, at a minimum, to have conducted a segregability analysis to determine whether any of the requested records could be disclosed without revealing protected law-enforcement techniques, procedures, or guidelines and creating a reasonably foreseeable risk of circumvention of the law. That obligation applies to the full range of records that Plaintiff requested, including financial agreements, receipts, grants, correspondence, memoranda, contracts, and other records reflecting FBI payments or reimbursements to social media platforms, interactive computer services, news organizations, academic institutions, think tanks, or non-governmental organizations. *See, e.g., Hidalgo v. FBI*, 541 F. Supp. 2d 250, 253–54 (D.D.C. 2008) (ordering FBI to disclose informant payment records where agency failed to show risk of circumvention of law from disclosure).

Defendants’ narrow, selective production, redacted to disclose little beyond quarterly dates, does not demonstrate that FBI meaningfully discharged its segregability obligation. Quite the contrary. Even in the produced documents, for example, there is no basis for redacting information sufficient to verify that such payments were made for actual legal process, for subpoenas and search warrants, rather than for other requests FBI may have made. Nor have Defendants explained why non-exempt information in the acknowledged but non-produced records, including records concerning reimbursements for processing FBI requests or other communications with covered entities, could not be segregated and released. Absent a record-specific showing that the disclosure

of particular information would reveal protected law-enforcement techniques, procedures, or guidelines, which would result in the circumvention of the law, FBI may not lawfully withhold such documents. *See Advancement Proj.*, 549 F. Supp. 3d at 142 (requiring that agency disclose internal agency guidance documents unless it could show how their release would enable lawbreakers to circumvent law); *Reporters Comm. for Freedom of the Press v. FBI*, 3 F.4th 350, 369 (D.C. Cir. 2021) (holding that agencies must justify withholding records on a case-by-case basis and cannot categorically assert exemptions over entire documents without explanation).

### CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant summary judgment and enter judgment in its favor; reject Defendants' *Glomar* response; order Defendants to conduct a reasonable search for records responsive to Plaintiff's request; and require Defendants to produce all non-exempt records and reasonably segregable information and to justify, with the specificity that FOIA demands, any continued withholding or redactions.

June 29, 2026

Respectfully submitted,

/s/ Casey Norman

Casey Norman (D.C. Bar No. 90016178)

Litigation Counsel

Zhonette Brown (D.C. Bar No. 463407)

General Counsel/Senior Litigation Counsel

NEW CIVIL LIBERTIES ALLIANCE

4250 N. Fairfax Drive, Ste 300

Arlington, VA 22203

Telephone: (202) 908-6204

Casey.Norman@ncla.legal

*Counsel for Plaintiff*

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

NEW CIVIL LIBERTIES ALLIANCE	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	
FEDERAL BUREAU OF INVESTIGATION	)	Civil Action No. 25-974 (CJN)
	)	
and	)	
	)	
DEPARTMENT OF JUSTICE	)	
	)	
<i>Defendants.</i>	)	

**PROPOSED ORDER**

Having considered Plaintiff New Civil Liberties Alliance’s Motion for Summary Judgment, it is hereby:

**ORDERED** that Plaintiff’s Motion for Summary Judgment is **GRANTED**;

**ORDERED** that Defendants shall:

1. Conduct a search for documents responsive to Plaintiff’s request, specifically searching for documents reflecting reimbursements FBI made to Twitter between October 1, 2019 and January 19, 2023 other than those already produced, including but not limited to contracts, grants, financial records and receipts, internal memoranda, email correspondence, and other forms of communication that explain the request made by the FBI and action undertaken by Twitter;
2. Conduct a search for documents responsive to Plaintiff’s request, specifically searching for documents reflecting reimbursements FBI made to Facebook, Instagram, Meta, Snap Chat, LinkedIn, Tik Tok, or Google between October 1,

2019 and January 19, 2023, including but not limited to contracts, grants, financial records and receipts, internal memoranda, email correspondence, and other forms of communication that explain the request made by the FBI and action undertaken by Twitter;

3. Provide a Vaughn index providing sufficient detail to justify withholding any responsive records or redactions;
4. Complete these activities by [month] [day], 2026.

**SO ORDERED.**

Date:

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Hon. Carl J. Nichols  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NEW CIVIL LIBERTIES ALLIANCE	)	
	)	
v.	)	Civil Action No. 25-974-CJN
	)	
FEDERAL BUREAU OF INVESTIGATION	)	
and	)	
DEPARTMENT OF JUSTICE	)	
	)	

**PLAINTIFF’S LOCAL RULE 7(h) STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE**

1. On January 19, 2023, Plaintiff submitted a Freedom of Information Act request to the Federal Bureau of Investigation “seeking all records, including but not limited to contracts, grants, financial records and receipts, internal memoranda, email correspondence, and other forms of communication, including ELSUR and cross-reference documents since October 1, 2019:

1. Relating to the \$3,415,323 that FBI reportedly paid Twitter since October 1, 2019; and
2. Relating to reimbursements paid to other social media platforms, interactive computer services, think tanks, academic institutions, newspapers, media companies, and/or non-governmental organizations for time spent processing FBI requests.”

Declaration of Luke Dardis (“Dardis Decl.”) 4, Ex. A.

2. On January 30, 2023, FBI administratively closed Plaintiff’s FOIA request, stating, “The FBI can neither confirm nor deny the existence of records responsive to your request pursuant to FOIA Exemption (b)(7)(E) [5 U.S.C. §552 (b)(7)(E)]. The nature of your request implicates records the FBI may or may not compile for law enforcement purposes.” Dardis Decl. 5, Ex. B.

3. FBI further stated that, “per standard FBI practice and policy, [FBI’s] response neither confirms nor denies the existence of any records which would disclose techniques,

procedures, or guidelines for law enforcement investigations or prosecutions and risk circumvention of the law by FOIA exemption (b)(7)(E).” .

4. On April 27, 2023, Plaintiff timely submitted to the Department of Justice an administrative appeal of FBI’s determination to administratively close Plaintiff’s request. Dardis Decl. 6, Ex. C.

5. On April 28, 2023, the Department of Justice acknowledged receipt of Plaintiff’s appeal. Dardis Decl. ¶ 7, Ex. G.

6. In July 2023, in response to Congressional questioning about FBI payments to Twitter, FBI Director Christopher Wray acknowledged the payments, stating, “When there are payments to social media companies, that is by a longstanding Federal law ... where we have to pay companies for their costs in responding to a legal process. It is not just social media companies.”

, 118th Cong. 57 (2023) (testimony of Christopher Wray, Dir., FBI), <https://www.congress.gov/118/chrg/CHRG-118hhr52977/CHRG-118hhr52977.pdf>.

7. On August 15, 2023, DOJ “affirm[ed] the FBI’s action in refusing to confirm or deny the existence of any records responsive to [Plaintiff’s] request.” Dardis Decl. 8, Ex. D.

8. The August 15 letter stated that “the FBI did not conduct a search for the requested records.” .

9. The letter reasserted the claim that the “existence of any responsive records would be protected from disclosure under FOIA pursuant to Exemption 7(E),” as it is “reasonably foreseeable that confirming or denying the existence of such records would harm the interests protected by this exemption.” .

10. In October 2023, again in response to Congressional questioning about payments to Twitter, FBI Director Wray reiterated, “I can tell you that when it comes to payments going back well over four decades, when we are required by Federal law—when a company, like in this instance, a provider goes through expenses to produce information, we are required to reimburse them for those expenses. I think that a lot of the questions about payments revolve around exactly that.”

, 118th Cong. 15 (2023) (testimony of Christopher A. Wray, Dir., FBI), <https://www.congress.gov/118/chrgr/CHRG-118shrg53994/CHRG-118shrg53994.pdf>.

11. On April 2, 2025, Plaintiff filed the Complaint in this action. ECF No. 1.

12. As of the date of the Complaint, Defendants had neither searched for nor produced documents in response to the Plaintiff’s FOIA request. Dardis Decl. 8, Ex. D.

13. The Complaint states that “Plaintiff sought to obtain copies of FBI’s records and documents related to payments that the agency has reportedly made to X, as well as to other[s] ... as reimbursement for time spent processing FBI requests.” ECF No. 1 ¶ 16.

14. The Complaint further states that, “Plaintiff’s request seeks documents and records ... concerning the scope and nature of FBI’s requests or demands of X and other recipients ... resulting in FBI reimbursements since October 1, 2019.” . ¶ 19.

15. In the Complaint Plaintiff specifically explained that one objective of the request was to determine whether FBI “was funding modifications that X and others have made to their platforms in response to FBI’s requests or demands to more closely align their policies with those of the government, such as, for example, combatting so-called ‘misinformation’ and ‘disinformation’ on social media.” . ¶ 20.

16. As another example, Plaintiff explained its desire for documents that would indicate whether “directing funds toward media platforms and NGOs to monitor ... the speech of American citizens whose views do not align with the federal government’s preferred policies.” .

17. On August 12, 2025, in the Parties’ first Joint Status Report, Defendants stated that they had determined to lift their response “for a limited portion” of Plaintiff’s request. ECF No. 13, ¶ 4.

18. Defendants represented that they would provide Plaintiff with a determination letter explaining the “exact framing” of the portion of Plaintiff’s FOIA request for which they had decided to lift their response. .

19. In the Parties’ third Joint Status Report, submitted February 10, 2026, FBI explained the framing of its new position, stating:

FBI maintains its 7(E) for Part 2 of the request and the specific dollar amount listed in Part 1 of the request. However, the FBI is no longer asserting a over the fact that it reimbursed Twitter over a number of years for costs Twitter incurred by fulfilling legal process requests from the FBI. The FBI has never acknowledged any specific dollar amount for any such payments.

ECF No. 16 ¶ 4.

20. In response, Plaintiff noted “that Defendants’ description of the anticipated search and production raises concerns regarding the scope of records that will ultimately be produced.” . ¶ 7.

21. On May 8, 2026, Plaintiff received a CD which contained a cover letter dated April 30, 2026 and Defendants’ document production, consisting of 51 pages of documents dated from 2016 to June 2025. Dardis Decl. 9, Ex. E (Cover letter); Dardis Decl. 9, Ex. F (Excerpt of production covering late 2019-2023 [Bates -16-42]).

22. Other than dates, headers, the FBI's address, and other similarly non-substantive information, the documents that Defendants produced are completely redacted on the basis of Defendants' invocations of FOIA Exemptions 3, 6, 7(C), and 7(E). Dardis Decl. 9, Ex. F.

June 29, 2026

Respectfully submitted,

/s/ Casey Norman

Casey Norman (D.C. Bar No. 90016178)

Litigation Counsel

New Civil Liberties Alliance

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NEW CIVIL LIBERTIES ALLIANCE	)	
	)	
	)	
	)	
v.	)	
	)	
FEDERAL BUREAU OF INVESTIGATION	)	Civil Action No. 25-974 (CJN)
	)	
and	)	
	)	
DEPARTMENT OF JUSTICE	)	
	)	
	)	

DECLARATION OF LUKE DARDIS

I, Luke Dardis, hereby declare and state:

1. I am over the age of 18 and make this Declaration in support of Plaintiffs’ Exhibits to their Motion for Summary Judgment.
2. I am a paralegal with the New Civil Liberties Alliance (“NCLA”).
3. On June 29, 2026, Plaintiffs will file a Motion for Summary Judgment, which will include this Declaration and additional Exhibits. Plaintiffs will also file a Statement of Undisputed Facts and a Proposed Order.
4. On January 19, 2023, Casey Norman filed a FOIA request to Michael G. Seidel at the Federal Bureau of Investigation (“FBI”). A true and accurate copy of this request is attached as **Exhibit A**.
5. On January 30, 2023, Michael Seidel responded to this request in a letter to Casey Norman. A true and accurate copy of this response is attached as **Exhibit B**.
6. On April 27, 2023, Casey Norman filed an appeal of FBI’s response to NCLA’s FOIA request to Bobak Talebian at the U.S. Department of Justice. A true and accurate copy of proof of Plaintiff’s submission of this appeal is attached as **Exhibit C**.
7. On April 28, 2023, Priscilla Jones at the U.S. Department of Justice acknowledged receipt of

NCLA's appeal. A true and accurate copy of this email is attached as **Exhibit G**.

8. On August 15, 2023, Matthew Herd at the U.S. Department of Justice responded to NCLA's appeal via email to Casey Norman. A true and accurate copy of this email is attached as **Exhibit D**.
9. The Federal Bureau of Investigation produced records related to Plaintiff's request. A true and accurate copy of the cover letter, for this production, dated April 30, 2026, is attached as **Exhibit E**. A true and accurate copy of an excerpt of this production of invoice records from October 2019 to March 2023 is attached as **Exhibit F**.
10. I declare under penalty of perjury that the above is true and correct to the best of my knowledge, information, and belief.

Executed on June 29, 2026, in Arlington, VA.

/s/ Luke Dardis

**Exhibit A**



January 19, 2023

Michael G. Seidel  
Section Chief, RIDS  
FBI Information Management Division  
Federal Bureau of Investigation  
200 Constitution Drive  
Winchester, VA 22602  
SUBMITTED VIA FOIA ONLINE

*RE: Freedom of Information Act Request*

Dear Mr. Seidel,

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, the New Civil Liberties Alliance (“NCLA”) respectfully requests copies of certain records and documents of the Federal Bureau of Investigation (“FBI”) related to reimbursements it paid to Twitter, as well as other social media platforms (*e.g.*, Facebook, Instagram, Meta, Snap Chat, LinkedIn, Tik Tok, etc.), interactive computer services (*e.g.*, Google), think tanks, academic institutions, newspapers, media companies, and/or non-governmental organizations as reimbursement for time spent processing requests made by the FBI. For example, a February 10, 2021 email from a Twitter employee who was on Twitter’s Safety, Content, & Law Enforcement (SCALE) division was recently released, and the email states that the FBI reimbursed Twitter for “time spent processing requests from the FBI.”<sup>1</sup>

Specifically, NCLA is seeking all records, including but not limited to contracts, grants, financial records and receipts, internal memoranda, email correspondence, and other forms of communication, including ELSUR and cross-reference documents since October 1, 2019:

1. Relating to the \$3,415,323 that FBI reportedly paid Twitter since October 1, 2019; and
2. Relating to reimbursements paid to other social media platforms, interactive computer services, think tanks, academic institutions, newspapers, media companies, and/or non-governmental organizations for time spent processing FBI requests.

This request is for any and all documents pertaining to the above at any and all FBI offices, including headquarters, field offices, and facilities that maintain records under the FBI’s control.

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<sup>1</sup> The internal email was reported as a part of the “Twitter Files,” a series of internal Twitter, Inc. documents made public starting in December 2022 by CEO Elon Musk with the aid of certain authors and journalists, including Michael Shellenberger, who posted the installments on Twitter. Michael Shellenberger (@ShellenbergerMD), Twitter (Dec. 19, 2022), <https://twitter.com/ShellenbergerMD/status/1604908670063906817>.

NCLA

Page 2 of 2

NCLA is a nonpartisan 501(c)(3) organization and, in light of its status, NCLA requests a fee waiver. This request serves the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. Moreover, this request is not in the commercial interest of the requestor and is not being made for commercial purposes. NCLA asks that these documents be sent via electronic mail and, if that is not possible, please contact the undersigned to arrange a different method of delivery. If a portion of the responsive records can be produced more readily, NCLA requests that they be produced first and the remainder produced on a rolling basis. In any event, and pursuant to 5 U.S.C. § 552(a)(6)(A)(i), please respond within 20 days.

If you have any questions regarding this request, please contact me by telephone at (202) 908-6204 or by email at [casey.norman@ncla.legal](mailto:casey.norman@ncla.legal). Thank you for your prompt attention to this matter.

Sincerely,

*/s/ Casey Norman*

Casey Norman  
Staff Attorney

**Exhibit B**



**Federal Bureau of Investigation**  
Washington, D.C. 20535

January 30, 2023

CASEY NORMAN  
NEW CIVIL LIBERTIES ALLIANCE  
SUITE 450  
1225 19TH STREET NORTH WEST  
WASHINGTON, DC 20036

FOIPA Request No.: 1579372-000  
Subject: All Records Relating to FBI  
Payments/Reimbursements Paid to Twitter,  
Other Social Media Platforms and Other  
Organizations  
(October 1, 2019 – January 24, 2023)

Dear Casey Norman:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the paragraphs below for relevant information specific to your request, as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The FBI can neither confirm nor deny the existence of records responsive to your request pursuant to FOIA Exemption (b)(7)(E) [5 U.S.C. §552 (b)(7)(E)]. The nature of your request implicates records the FBI may or may not compile for law enforcement purposes.

Please be advised per standard FBI practice and policy this response neither confirms nor denies the existence of any records which would disclose techniques, procedures, or guidelines for law enforcement investigations or prosecutions and risk circumvention of the law by FOIA exemption (b)(7)(E) [5 U.S.C. §552 (b)(7)(E)]. Therefore, your request is being administratively closed.

It is unnecessary to adjudicate your request for a Fee Waiver at this time, as no applicable fees were assessed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **“Part 3”** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under “Contact Us.” The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, 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 transmitted within ninety (90) 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.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, 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; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

Michael G. Seidel  
Section Chief  
Record/Information  
Dissemination Section  
Information Management Division

Enclosures

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

**Part 1: The standard responses below apply to all requests:**

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

**Part 2: The standard responses below apply to all requests for records on individuals:**

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

**Part 3: General Information:**

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
  - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
  - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks). Additionally, requests can be submitted electronically at [www.edo.cjis.gov](http://www.edo.cjis.gov). For additional information, please contact CJIS directly at (304) 625-5590.

**EXPLANATION OF EXEMPTIONS**

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

**Exhibit C**

Status: Submitted

HOME TRACKING INBOX

Tracking Inbox » Appeal

Assignmer



A-2023-01171

Requester: Norman, Casey

Wc

Appeal

Appeal Information

Received Date	04/27/2023	Agency	OIP
		Document Delivery Method	Email

Request Information

Request Number	1579372-000
Component	FBI
Subject of Request	Appeal of FBI's decision to administratively close NCLA's FOIA Request No. 1579372-000

Basis for Appeal

Description of Appeal	Please find attached NCLA's appeal in attached letter, as well as the FBI letter dated January 30, 2023 signed by Michael G. Seidel, administratively closing NCLA's FOIA request.
Based on Denial of Fee Waiver	No
Based on Denial of Expedited Processing	No
Requester Item Type 1	Supplemental Information
Requester Items 1	<a href="#">4.27.2023 FOIA Appeal to FBI re Reimbursements (final).pdf</a>
Requester Item Type 2	Supplemental Information
Requester Items 2	<a href="#">1.30.23 FBI FOIA Response.pdf</a>
Requester Item Type 3	
Requester Items 3	

Requester Contact Information

Salutation		Address Type	Work
First Name	Casey	Country	United States
Middle Name		Address Line 1	1225 19th Street NW, Ste 450
Last Name	Norman	Address Line 2	

Status: Submitted

Organization	New Civil Liberties Alliance	State	District of Columbia
Register Number		Zip/Postal Code	20036
Phone Number	2029086204		
Fax Number			
Other Information			

**Expedited Processing Information**

Expedited Processing Requested? No

Powered by entellitrak

**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

Casey Norman, Esq.  
New Civil Liberties Alliance  
1225 19th Street NW  
Ste 450  
Washington, DC 20036  
casey.norman@ncla.legal

August 15, 2023

Re: Appeal No. A-2023-01171

Request No. 1579372-000

**VIA: Email**

Dear Casey Norman:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act request for access to records concerning payments/reimbursements that the FBI allegedly paid to Twitter since October 1, 2019, and relating to any reimbursements paid to any other social media company, think tank, academic institution, newspaper, media company, and/or non-governmental organization for time spent processing FBI requests. I note that your appeal concerns the refusal to confirm or deny the existence of responsive records.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. I am affirming the FBI's action in refusing to confirm or deny the existence of any records responsive to your request. Please be advised that the FBI did not conduct a search for the requested records. The existence of any responsive records would be protected from disclosure under the FOIA pursuant to Exemption 7(E). This provision concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Additionally, it is reasonably foreseeable that confirming or denying the existence of such records would harm the interests protected by this exemption.

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

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

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

*Matthew Hurd*

X

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Matthew Hurd,

Chief, Administrative Appeals Staff

**Exhibit E**



U.S. Department of Justice

**Federal Bureau of Investigation**  
 Washington, D.C. 20535

April 30, 2026

CASEY NORMAN  
 NEW CIVIL LIBERTIES ALLIANCE  
 SUITE 450  
 1225 19TH STREET NORTH WEST  
 WASHINGTON, DC 20036

*New Civil Liberties Alliance V. Federal Bureau of Investigation and U.S. Department of Justice*  
 Civil Action No.: 25-cv-974  
 FOIPA Request No.: 1579372-000  
 Subject: All Records Relating to FBI Payments/Reimbursements Paid to Twitter, Other Social Media Platforms and Other Organizations

Dear Casey Norman:

The FBI has completed its final review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

<b>Section 552</b>		<b>Section 552a</b>
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>50 U.S.C. § 3024(h)(1)</u>	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
<hr/>	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
<hr/>	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

51 pages were reviewed and 51 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

This is the final release of information responsive to your FOIPA request. The processed documents are Bates stamped FBI(25-cv-974)-1 through FBI(25-cv-974)-51. This material is being provided to you at no charge.

Based on the information you provided, we conducted a search of the places reasonably expected to have records. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. “**Part 1**” of the Addendum includes standard responses that apply to all requests. “**Part 2**” includes additional standard responses that apply to all requests for records about yourself or any third-party individuals. “**Part 3**” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the FBI’s determination in response to this request, you may proceed under any or all of the following options:

- You may seek dispute resolution services through the FBI directly by emailing our FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.
- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, 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; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, 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>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this 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.” Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI’s dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Please direct any further inquiries about this case to the attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

Sincerely,



Isabel Lara  
Acting Section Chief  
Record/Information Dissemination Section  
Information Management Division

Enclosures

## FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

**Part 1: The standard responses below apply to all requests:**

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

**Part 2: The standard responses below apply to all requests for records on individuals:**

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. §§ 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

**Part 3: General Information:**

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records or administrative records of previous FOIPA requests.
  - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
  - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks). Additionally, requests can be submitted electronically at [www.edo.cjis.gov](http://www.edo.cjis.gov). For additional information, please contact CJIS directly at (304) 625-5590.

**EXPLANATION OF EXEMPTIONS****SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

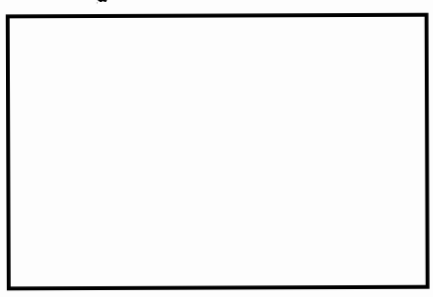
- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

**Exhibit F**

October 30, 2019

Attached is the invoice for Q3 2019 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #15

**Invoice for Reimbursement:** [redacted]  
Q3 2019 (July - September 2019)  
Submitted: October 30, 2019

Description	Total
Reimbursement for [redacted] [redacted] (July 1, 2019 - September 30, 2019)	[redacted]

b7E -4,19

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #15

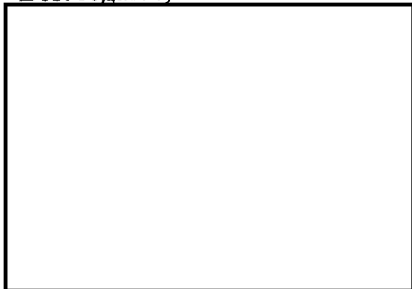
[redacted]	Wiring Instructions
<p>Name on Account</p> <p>Account Number:</p> <p>ABA (Routing) Number (Wires):</p> <p>ACH (Routing) Number (Transfers)</p> <p>SWIFT Code:</p> <p>Bank Name:</p> <p>Bank Address:</p> <p>Beneficiary Address:</p> <p>Additional Info:</p>	[redacted]

b3 -5  
b7E -4

June 15, 2020

Attached is the invoice for Q4 2019 for [redacted]

Best regards,



Attachment: Invoice #16

b3 -5  
b6 -2  
b7C -2  
b7E -4

**Invoice for Reimbursement:** [redacted]  
Q4 2019 (October - December 2019)  
Submitted: June 15, 2020

b7E -4,19

Description	Total
Reimbursement for [redacted] (October 1, 2019 - December 31, 2019)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #16

	Wiring Instructions
<b>Name on Account</b>  <b>Account Number:</b> <b>ABA (Routing) Number (Wires):</b> <b>ACH (Routing) Number (Transfers)</b> <b>SWIFT Code:</b>  <b>Bank Name:</b> <b>Bank Address:</b>  <b>Beneficiary Address:</b>  <b>Additional Info (Required):</b>	[redacted]

b3 -5  
b7E -4

July 6, 2020

Attached is the invoice for Q1 2020 for [redacted]

Best regards,

[redacted signature block]

b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #17

**Invoice for Reimbursement:** [redacted]  
Q1 2020 (January - March 2020)  
Submitted: July 6, 2020

b7E -4,19

Description	Total
Reimbursement for [redacted] (January 1, 2020 - March 31, 2020)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #17

[redacted]	Wiring Instructions
Name on Account  Account Number: ABA (Routing) Number (Wires): ACH (Routing) Number (Transfers) SWIFT Code:  Bank Name: Bank Address:  Beneficiary Address:  Additional Info (Required):	[redacted]

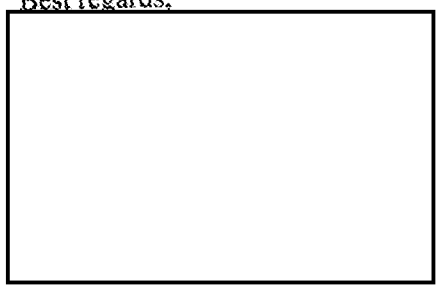
b3 -5  
b7E -4

\*\*Please note that any funds sent to this account without the required [redacted]  
[redacted] may be rejected back to the sender\*\*

October 6, 2020

Attached is the invoice for Q2 2020 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #18

**Invoice for Reimbursement:** [redacted]  
Q2 2020 (April - June 2020)  
Submitted: October 6, 2020

b7E -4,19

Description	Total
Reimbursement for [redacted] (April 1, 2020 - June 30, 2020)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #18

[redacted]	Wiring Instructions
<p>Name on Account</p> <p>Account Number:</p> <p>ABA (Routing) Number (Wires):</p> <p>ACH (Routing) Number (Transfers)</p> <p>SWIFT Code:</p> <p>Bank Name:</p> <p>Bank Address:</p> <p>Beneficiary Address:</p> <p>Additional Info (Required):</p>	[redacted]

b3 -5  
b7E -4

\*\*Please note that any funds sent to this account without the required [redacted]  
[redacted] may be rejected back to the sender\*\*

b6 -1  
b7C -1

December 2, 2020

Attached is the invoice for Q3 2020 for [redacted]

Best regards,

[redacted signature box]

b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #19

[redacted signature box]

b6 -1  
b7C -1

12-3-20

**Invoice for Reimbursement:** [redacted]  
Q3 2020 (July - September 2020)  
Submitted: December 2, 2020

b7E -4,19

Description	Total
Reimbursement for [redacted] (July 1, 2020 - September 30, 2020)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #19

[redacted]	Wiring Instructions
<b>Name on Account</b>  <b>Account Number:</b> <b>ABA (Routing) Number (Wires):</b> <b>ACH (Routing) Number (Transfers)</b> <b>SWIFT Code:</b> <b>Bank Name:</b> <b>Bank Address:</b>  <b>Beneficiary Address:</b>  <b>Additional Info (Required):</b>	[redacted]

b3 -5  
b7E -4

\*\*Please note that any funds sent to this account without the required [redacted] [redacted] may be rejected back to the sender\*\*

May 14, 2021

Attached is the invoice for Q4 2020 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #20

**Invoice for Reimbursement:** [redacted]  
Q4 2020 (October - December 2020)  
Submitted May 14, 2021

b7E -4,19

**Description**

**Total**

Reimbursement for [redacted]  
(October 1, 2020 - December 31, 2020)

[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #20

ACH / WIRE TRANSFERS IN USD:	
Bank:	[redacted]
ABA	[redacted]
Swift Code #	[redacted]
Account Name:	[redacted]
Account Number:	[redacted]

b3 -5  
b7E -4

July 22, 2021

Attached is the invoice for Q1 2021 for [redacted]

Best regards,

[redacted]

b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #21

Invoice for Reimbursement: [redacted]  
Q1 2021 (January - March 2021)  
Submitted: July 22, 2021

b7E -4,19

Description	Total
Reimbursement for [redacted] (January 1, 2021 - March 31, 2021)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #21

**ACH / WIRE TRANSFERS IN USD:**

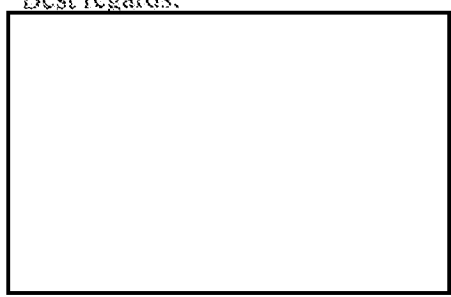
Bank: [redacted]  
[redacted]  
ABA # [redacted]  
Swift Code # [redacted]  
Account Name: [redacted]  
Account Number: [redacted]

b3 -5  
b7E -4

September 30, 2021

Attached is the invoice for Q2 2021 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #22

**Invoice for Reimbursement:** [redacted]  
Q2 2021 (April - June 2021)  
Submitted: September 30, 2021

Description	Total
Reimbursement for [redacted] (April 1, 2021 - June 30, 2021)	[redacted]
[redacted] (Q3-4 2020, Q1-2 2021)	[redacted]
Total:	[redacted]

b7E -4,19

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #22

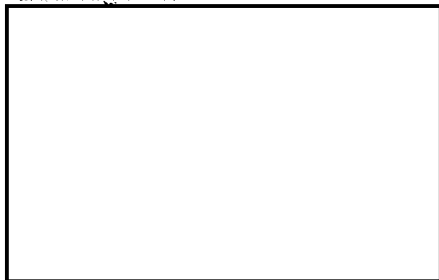
b3 -5  
b7E -4

<b>ACH / WIRE TRANSFERS IN USD:</b>	
<b>Bank:</b>	[redacted]
[redacted]	
<b>ABA #</b>	[redacted]
<b>Swift Code #</b>	[redacted]
<b>Account Name:</b>	[redacted]
<b>Account Number:</b>	[redacted]

November 3, 2021

Attached is the invoice for Q3 2021 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #23

**Invoice for Reimbursement:** [redacted]  
Q3 2021 (July - September 2021)  
Submitted November 3, 2021

b7E -4,19

Description	Total
Reimbursement for [redacted] (July 1, 2021 - September 30, 2021)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #23

**ACH / WIRE TRANSFERS IN USD:**

Bank: [redacted]  
[redacted]

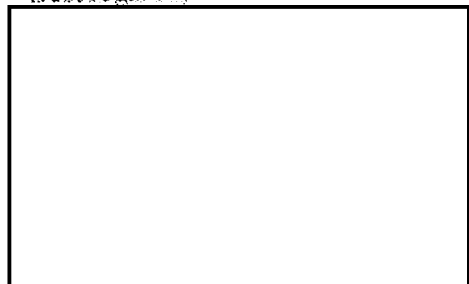
ABA # [redacted]  
Swift Code # [redacted]  
Account Name: [redacted]  
Account Number: [redacted]

b3 -5  
b7E -4

February 18, 2022

Attached is the invoice for Q4 2021 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #24

Invoice for Reimbursement [redacted]  
Q4 2021 (October - December 2021)  
Submitted February 18, 2022

b7E -4,19

Description

Total

Reimbursement for [redacted]  
(October 1, 2021 - December 31, 2021)

[redacted]

Vendor Name: [redacted]

TIN: [redacted]

DUNS: [redacted]

Invoice #24

**ACH / WIRE TRANSFERS IN USD:**

Bank: [redacted]

ABA # [redacted]

Swift Code # [redacted]

Account Name: [redacted]

Account Number: [redacted]

b3 -5  
b7E -4

August 11, 2022

Attached is the invoice for Q1 2022 for [redacted]

Best regards,

[redacted signature block]

b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #25

Invoice for Reimbursement: [redacted]  
Q1 2022 (January - March 2022)  
Submitted: August 11, 2022

b7E -4,19

Description	Total
Reimbursement for [redacted] (January 1, 2022 - March 31, 2022)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #25

**ACH / WIRE TRANSFERS IN USD:**

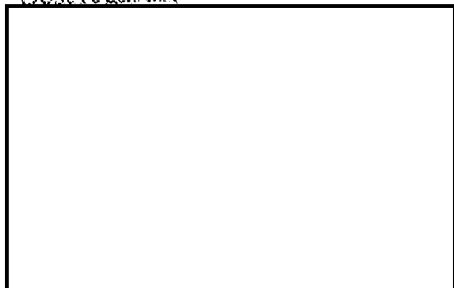
Bank: [redacted]  
[redacted]  
ABA #: [redacted]  
Swift Code #: [redacted]  
Account Name: [redacted]  
Account Number: [redacted]

b3 -5  
b7E -4

October 4, 2022

Attached is the invoice for Q2 2022 for [redacted]

Best regards,



b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #26

**Invoice for Reimbursement:** [redacted]  
Q2 2022 (April - June 2022)  
Submitted: October 4, 2022

Description	Total
Reimbursement for [redacted] (April 1, 2022 - June 30, 2022)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #26

**ACH / WIRE TRANSFERS IN USD:**

Bank: [redacted]  
[redacted]  
ABA #: [redacted]  
Swift Code #: [redacted]  
Account Name: [redacted]  
Account Number: [redacted]

b3 -5  
b7E -4

**Invoice for Reimbursement** [redacted]  
Q3 2022 (July - September 2022)  
Submitted: October 27, 2022

b7E -4,19

Description	Total
Reimbursement for [redacted] (July 1, 2022 - September 30, 2022)	[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #27

**ACH / WIRE TRANSFERS IN USD:**

Bank: [redacted]  
[redacted]

ABA [redacted]  
Swift Code [redacted]

Account Name [redacted]  
Account Number [redacted]

b3 -5  
b7E -4

March 10, 2023

Attached is the invoice for Q4 2022 for [redacted]

Best regards,

[redacted signature block]

b3 -5  
b6 -2  
b7C -2  
b7E -4

Attachment: Invoice #28

Invoice for Reimbursement: [redacted]  
Q4 2022 (October - December 2022)  
Submitted March 10, 2023

b7E -4,19

Description

Total

Reimbursement for [redacted]  
(October 1, 2022 - December 31, 2022)

[redacted]

Vendor Name: [redacted]  
TIN: [redacted]  
DUNS: [redacted]  
Invoice #28

**ACH / WIRE TRANSFERS IN USD:**  
Bank: [redacted]  
[redacted]  
Swift Code #: [redacted]  
Account Name: [redacted]  
Account Number: [redacted]

b3 -5  
b7E -4

**Exhibit G**



**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 28, 2023

casey.norman@ncla.legal

Dear Casey Norman:

This is to advise you that the Office of Information Policy of the U.S. Department of Justice received your administrative appeal from the action of the Federal Bureau of Investigation regarding Request No. 1579372-000 on 04/27/2023.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2023-01171. Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through Freedom of Information Act STAR, you may also check the status of your appeal by logging into your account.

Sincerely,  
*Priscilla Jones*

Priscilla Jones  
Supervisory Administrative Specialist