



U.S. Department of Justice
Antitrust Division
Freedom of Information Act / Privacy Act Unit
Liberty Square Building
450 5th Street, NW, Suite 1000
Washington, D.C. 20530
Voice: (202) 514-2692 / Fax: (202) 616-4529

January 28, 2021

VIA EMAIL

foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: Freedom of Information Act Request No. ATFY20-007

Dear Mr. Evers:

This letter is a final response to your two Freedom of Information Act ("FOIA") requests, both dated October 17, 2019, seeking various records related to the Antitrust Division's ("Division") investigation regarding Ford Motor Co., Honda Motor Co., BMW AG, and Volkswagen AG's agreement to follow California auto emissions standards, and/or any investigation into said agreement from July 25, 2019, through September 6, 2019. Both requests seek records from the following list of Antitrust Division officials:

- i. Makan Delrahim, Assistant Attorney General, and anyone serving in the capacity of Chief of Staff
- ii. Bernard Nigro, Jr., Principal Deputy Assistant Attorney General
- iii. Michael Murray, Deputy Assistant Attorney General
- iv. Richard Powers, Deputy Assistant Attorney General
- v. Jeffrey M. Wilder, Acting Deputy Assistant Attorney General
- vi. William Rinner, Chief of Staff and Senior Counsel
- vii. Rene Augustine, Senior Counsel
- viii. Norman Familant, Chief, Economic Litigation Section
- ix. Aditi M. Mehta, Assistant Chief, Economic Litigation Section
- x. Elizabeth J. Armington, Chief, Economic Regulatory Section
- xi. Ari Gerstle, Acting Assistant Chief, Economic Regulatory Section
- xii. Robert A. Lepore, Acting Chief, Transportation, Energy, and Agriculture Section
- xiii. Patricia Corcoran, Assistant Chief, Transportation, Energy, and Agriculture Section
- xiv. Katherine Celeste, Acting Assistant Chief, Transportation, Energy, and Agriculture Section

The first request seeks all email communications (including email messages, email attachments, calendar invitations, and calendar invitation attachments) between any of the Antitrust officials listed above and anyone in the White House Office, including anyone with an email address ending in @who.eop.gov, that includes any of the following key terms:

- a. “Ford”
- b. “Honda”
- c. “BMW”
- d. “Volkswagen”
- e. “Volkswagon”
- f. “VW”
- g. “California regulators”
- h. “Nichols”
- i. “California Air Resourced Board”
- j. “CARB”
- k. “Newsom”
- l. “auto manufacturers”
- m. “automakers”
- n. “auto makers”
- o. “automobile companies”
- p. “car manufacturers”
- q. “carmakers”
- r. “car makers”
- s. “car companies”
- t. “emissions”
- u. “greenhouse”
- v. “green house”
- w. “tailpipe”
- x. “tail pipe”

The second request seeks all records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between any of the Antitrust officials listed above and anyone in the White House Office, including anyone communicating with an email address ending in @who.eop.gov, regarding Ford Motor Co., Honda Motor Co., BMW AG, and Volkswagen AG’s agreement to follow California auto emissions standards, and/or any investigation into said agreement.

Both requests relate to the same topic. Treated as two different requests, they are partly redundant, overlapping, and inter-connected in such a way as to make it extremely difficult for us to efficiently search for and process records separately for each request. For instance, both requests seek the communications and records for an identical list of Antitrust Division officials for the same time period. Accordingly, as a matter of administrative efficiency and in an effort to facilitate our records searches and the processing and consultation of potentially responsive records, and ultimately to more efficiently respond to your requests, we aggregated these two requests under control number ATFY20-007. Please refer to this control number in any future related correspondence. Please be advised that we conducted a search, but did not locate any records responsive to your request.

If you are not satisfied with the Antitrust Division's determination in response to this request¹ 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 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."

You may contact Wayne Foster, FOIA Public Liaison, at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/

Kenneth Hendricks
Chief
FOIA/Privacy Act Unit

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.