



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

October 30, 2019

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. ATFY20-008

Dear Mr. Evers:

This is in response to your October 17, 2019 Freedom of Information Act ("FOIA") request for any legal memoranda, from July 25, 2019 through September 6, 2019, regarding an investigation or potential investigation by the DOJ's Antitrust Division into the agreement by four automakers (Ford Motor Co., Honda Motor Co., Volkswagen AG, and BMW AG) to follow California's heightened limits for greenhouse gas auto emissions. Your request was received and assigned control number ATFY20-008. Please refer to this control number in any future correspondence concerning your request.

Documents responsive to your request relate to ongoing enforcement proceedings and their disclosure could reasonably be expected to interfere with those proceedings. In addition, these documents reflect attorney work product and the deliberative process of Antitrust Division staff. Accordingly, the records responsive to your request are withheld from public disclosure pursuant to 5 U.S.C. § 552(b)(7)(A), and (b)(5).

If you consider my response¹ to be a denial of your request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an

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.

appeal through OIP's FOIAonline portal by creating an account on the following website: <https://foiaonline.gov/foiaonline/action/public/home>. 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