



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530

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December 16, 2021

Dan McGrath
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005
FOIA@americanoversight.org

Re: FOIA-2021-00657
21-cv-1079 (D.D.C.)
VRB:JMB:JMS

Dear Dan McGrath:

This is the final response to your Freedom of Information Act (FOIA) request, dated and received in this Office on January 25, 2021, in which you requested "[t]he memorandum with talking points regarding the potential for DOJ to bring an action in the Supreme Court or other courts challenging the outcome of the 2020 presidential election. This memorandum was reported created by the Solicitor General's office at the request of former Acting Attorney General Rosen."

Please be advised that a search in response to the above-referenced request has been conducted, and the document responsive to your request, consisting of one page, was located. At this time, I have determined that this one-page document should be withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), which pertains to certain inter-and intra-agency communications protected by civil discovery privileges.

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) (2018). 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.

If you have any questions regarding this response, please contact M. Andrew Zee of the Department's Civil Division, Federal Programs Branch, at (415) 436-6646.

Sincerely,

Jonathan Breyan
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel