



July 12, 2018

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SENT VIA FOIA ONLINE PORTAL

Office of Information Policy
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: FOIA Request for Documents and Communications Related to The Retirement of Justice Kennedy and Nomination of Judge Kavanaugh

Dear Custodian of Records:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, I write on behalf of Everytown for Gun Safety Support Fund (“Everytown”) to request the following documents in possession of the **Department of Justice’s Office of Legal Policy** for the time period January 20, 2017 to the present:

1. All written and electronic communications to or from the National Rifle Association (“NRA”), National Rifle Association Institute for Legislative Action (“NRA-ILA”), National Rifle Association Civil Rights Defense Fund (“NRA Defense Fund”), the National Shooting Sports Foundation (“NSSF”), or any representative of any of these entities, regarding (a) the retirement or potential retirement of United States Supreme Court Justice Anthony Kennedy and/or (b) potential candidates to fill Justice Kennedy’s seat on the Supreme Court.
2. All documents mentioning the NRA, NRA-ILA, NRA Defense Fund and/or NSSF that refer to the replacement or possible replacement of Justice Kennedy.
3. All records, including but not limited to calendar records, sufficient to show the dates and times of any in-person, telephonic or digital/electronic meetings between the Director or other representatives of the Department of Justice’s Office of Legal Policy and the NRA, NRA-ILA, NRA Defense Fund, NSSF, or any representative of any of these entities, relating to the replacement or possible replacement of Justice Kennedy.
4. For each meeting reflected in the records produced pursuant to Request No. 3, please provide documents sufficient to identify the participants in the meetings.



For purposes of this request, the term “representative” includes employee, staff member, contractor, agent, officer, director, trustee, subsidiary, affiliate, division, lobbyist (registered or unregistered), or attorney.

Everytown for Gun Safety Support Fund seeks to improve our understanding of the causes of gun violence and the means to reduce it by conducting original research, developing evidence-based policies, communicating this knowledge to the American public and policymakers and bringing impact litigation.

I would be grateful if you will deliver the materials in electronic format to the email address provided below. The request qualifies for a fee waiver because disclosure of the requested documents is in the public interest. Specifically, they are likely to contribute to the public’s understanding of the process for nominating justices to the United States Supreme Court, what communications and meetings occurred in the process for selecting Judge Kavanaugh as a replacement for Justice Kennedy, and whether the NRA, NRA-ILA, NRA Defense Fund or NSSF played any role in the process. This information will not be used for commercial purposes. However, if this fee waiver request is denied, Everytown is willing to pay the cost of processing this request. Please contact me at the number below if you anticipate that the cost of processing this request will exceed \$250.

FOIA regulations provide that if some parts of records containing the requested information are exempt from mandatory disclosure, then non-exempt materials shall be disclosed after the exempt material has been deleted. See 5 U.S.C. § 552(b); 28 C.F.R. § 16.6. Therefore, if you determine some portion of a record that is responsive to this request is exempt, please provide a copy of all reasonably segregable, non-exempt portions of the record.

We request that this submission be processed on an expedited basis. The Senate confirmation and deliberation process for Judge Kavanaugh is anticipated to start in a matter of weeks. Therefore, the requested information is urgently need to inform the public concerning potential federal government communications with the NRA, the NRA-ILA, NRA Defense Fund and NSSF about the retirement of Justice Kennedy and the selection of candidates for his replacement. One of Everytown's primary functions is to disseminate information to the American public and policymakers about gun violence and relevant laws, policies and judicial developments. Therefore, this request qualifies for expedited processing.



Thank you for your prompt attention to this request. Please feel free to contact me at (646) 324 –8365 or alefkowitz@everytown.org if you have questions or require additional information.

Sincerely,

/s/ Alla Lefkowitz

Alla Lefkowitz
Deputy Director, Affirmative Litigation
Everytown for Gun Safety Support Fund