

# **Exhibit 8**

**From:** Enlow, Courtney D. (CIV) Courtney.D.Enlow@usdoj.gov  
**Subject:** RE: Activity in Case 1:19-cv-00810-RBW ELECTRONIC PRIVACY INFORMATION CENTER v. UNITED STATES DEPARTMENT OF JUSTICE Order  
**Date:** April 3, 2019 at 11:21 AM  
**To:** Alan Butler butler@epic.org  
**Cc:** Marc Rotenberg rotenberg@epic.org, John Davisson davisson@epic.org

EC

Dear Alan,

Thank you for your response. We will proceed with briefing in accordance with Judge Walton's Order.

Best regards,  
Courtney

Courtney Enlow  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W., Room 12102  
Washington, D.C. 20005  
(202) 616-8467  
courtney.d.enlow@usdoj.gov

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**From:** Alan Butler <butler@epic.org>  
**Sent:** Wednesday, April 03, 2019 11:01 AM  
**To:** Enlow, Courtney D. (CIV) <cenlow@CIV.USDOJ.GOV>  
**Cc:** Marc Rotenberg <rotenberg@epic.org>; John Davisson <davisson@epic.org>  
**Subject:** Re: Activity in Case 1:19-cv-00810-RBW ELECTRONIC PRIVACY INFORMATION CENTER v. UNITED STATES DEPARTMENT OF JUSTICE Order

Dear Courtney,

Thank you for your response and for confirming that the Department of Justice will process EPIC's FOIA request on an expedited basis.

As you noted, the agency is now required to process EPIC's FOIA request "as soon as practicable." Therefore, we cannot agree to withdraw our PI motion until the agency has agreed to a schedule for processing EPIC's request and producing responsive records.

Because the Attorney General has represented to the House Judiciary Committee that the Department of Justice will process and produce the report "by mid-April, if not sooner," the agency cannot seriously argue that it is not "practicable" to complete the processing of the report (category 1(a) of EPIC's request) by mid-April.

We have agreed to limit the scope for the initial processing of EPIC's FOIA request to the report and category 5, and to withdraw our motion for a preliminary injunction, if the agency

can produce the report prior to the hearing scheduled for April 9 and process and release records responsive to Category 5 by April 29th. That will obviate the need for briefing. Once the agency has produced those records to EPIC, we can set an appropriate schedule for processing the remaining records.

We would also consider an alternative date consistent with the Attorney General's representations to Congress about the release of the report.

If we are unable to reach an agreement regarding the release of the report, we will proceed with briefing and be prepared to discuss this issue with Judge Walton next Tuesday.

Sincerely,

Alan Butler  
Senior Counsel  
Electronic Privacy Information Center  
1718 Connecticut Ave., N.W. Suite 200  
Washington, D.C. 20009  
(202) 483-1140 x103  
[butler@epic.org](mailto:butler@epic.org)

On Apr 2, 2019, at 7:18 PM, Enlow, Courtney D. (CIV)  
<[Courtney.D.Enlow@usdoj.gov](mailto:Courtney.D.Enlow@usdoj.gov)> wrote:

Dear Alan,

Thank you for your email. We would also like to avoid unnecessary briefing in this case.

The Department of Justice has agreed to expedite EPIC's FOIA request. EPIC's request for a preliminary injunction directing the Department to grant EPIC's request for expedited processing is now moot. On that basis alone, EPIC should withdraw its motion for a preliminary injunction. Please let me know if EPIC will agree to do so.

We are not able to commit to a processing schedule at this time. As you know, on March 29, 2019, the Attorney General sent a letter to Congress to address the "confidential report" [the Special Counsel Robert S. Mueller, III] has submitted to [the Attorney General] pursuant to 28 C.F.R. § 600.8(c)." See Pl.'s Mot., Ex. 7 at 1, Dkt. 7-4. In that letter, the Attorney General stated, "We are preparing the report for release, making the redactions that are required. The Special Counsel is assisting us in this process. Specifically, we are well along in the process of identifying and redacting the following: (1) material subject to Federal Rule of Criminal Procedure 6(e) that by law cannot be made public; (2) material that the intelligence community identifies as potentially compromising sensitive sources and methods; (3) material that could affect other ongoing matters, including those that the Special Counsel has

referred to other Department offices; and (4) information that would unduly infringe on the personal privacy and reputational interests of peripheral third parties.” The Attorney General further stated, “Our progress is such that I anticipate we will be in a position to release the report by mid-April, if not sooner.” *Id.* It is not practicable for the Department to release the report earlier than the timeframe the Attorney General already provided. Furthermore, a schedule should not be set until after the release of the report.

Best regards,  
Courtney

Courtney Enlow  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W., Room 12102  
Washington, D.C. 20005  
(202) 616-8467  
[courtney.d.enlow@usdoj.gov](mailto:courtney.d.enlow@usdoj.gov)

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**From:** Alan Butler <[butler@epic.org](mailto:butler@epic.org)>  
**Sent:** Monday, April 01, 2019 7:12 PM  
**To:** Enlow, Courtney D. (CIV) <[cenlow@CIV.USDOJ.GOV](mailto:cenlow@CIV.USDOJ.GOV)>  
**Cc:** Marc Rotenberg <[rotenberg@epic.org](mailto:rotenberg@epic.org)>; John Davisson <[davisson@epic.org](mailto:davisson@epic.org)>  
**Subject:** Re: Activity in Case 1:19-cv-00810-RBW ELECTRONIC PRIVACY INFORMATION CENTER v. UNITED STATES DEPARTMENT OF JUSTICE Order

Dear Courtney,

We have reviewed Judge Walton’s briefing order and would like to schedule a call with you to discuss the possibility of setting a production schedule to avoid unnecessary briefing in this case.

As you know, EPIC is seeking expedited processing of its Freedom of Information Act request for the Mueller Report and related documents. Our goal is to ensure the prompt release of the unredacted report, and then the subsequent release of related documents.

We believe that the Court is likely to grant our motion and require the agency to process our request and produce responsive records on an expedited schedule. If the agency can commit now to the release of certain documents, it should be possible to avoid unnecessary briefing.

We are willing to agree to a reasonable expedited processing schedule to prioritize

We are willing to agree to a reasonable, expedited processing schedule to prioritize the release of the most significant documents. Specifically, we would propose the following schedule:

- The agency will process and produce the final report (category (1)(a)) by April 9th. We are aware that the Attorney General has said to the Chairmen of the House and Senate Judiciary Committees that he is working with the Special Counsel to release the report to Congress by “mid-April, if not sooner.” Therefore, we believe it should be practicable for the agency to produce the report by the date of the Court’s scheduled hearing, which is April 9.

- The agency identify, process, and release records responsive to Category 5 by April 29, 2019.

- After that process is complete, we would schedule a call the week of April 29th to discuss and set a schedule for processing the remaining categories

If the agency is willing to agree to this schedule, then EPIC would be willing to consider withdrawing its preliminary injunction motion in the interest of efficiency and in expediting these proceedings.

Please let us know if you are available for a call tomorrow.

Sincerely,

Alan Butler  
Senior Counsel  
Electronic Privacy Information Center  
1718 Connecticut Ave., N.W. Suite 200  
Washington, D.C. 20009  
(202) 483-1140 x103  
[butler@epic.org](mailto:butler@epic.org)

Begin forwarded message:

**From:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)  
**Subject:** Activity in Case 1:19-cv-00810-RBW ELECTRONIC  
PRIVACY INFORMATION CENTER v. UNITED STATES  
DEPARTMENT OF JUSTICE Order  
**Date:** April 1, 2019 at 5:12:26 PM EDT  
**To:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)

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U.S. District Court  
District of Columbia

### Notice of Electronic Filing

The following transaction was entered on 4/1/2019 at 5:12 PM and filed on 4/1/2019

Case Name: ELECTRONIC PRIVACY INFORMATION CENTER v. UNITED STATES DEPARTMENT OF JUSTICE

Case Number: [1:19-cv-00810-RBW](#)

Filer:

Document Number: [11](#)

Docket Text:

**ORDER.** In accordance with the reasons stated in the attached Order, it is hereby ORDERED that David Christenson's [5] Motion for Leave to File Motion to Join and Intervene is GRANTED. It is further ORDERED that David Christenson shall file his motion to join or intervene on or before 12:00 p.m. on April 4, 2019. It is further ORDERED that the Department shall file its opposition to David Christenson's motion to join or intervene on or before 12:00 p.m. on April 8, 2019. It is further ORDERED that the Department shall file its opposition to the plaintiff's motion for preliminary injunction on or before April 5, 2019. It is further ORDERED that the plaintiff shall file its reply in support of its motion on or before 12:00 p.m. on April 8, 2019. It is further ORDERED that the parties shall appear before the Court for a hearing on the Plaintiff's Motion for a Preliminary Injunction on April 9, 2019, at 9:00 a.m. Signed by Judge Reggie B. Walton on April 1, 2019. (lcrbw1)

**1:19-cv-00810-RBW Notice has been electronically mailed to:**

Courtney Danielle Enlow  
[courtney.d.enlow@usdoj.gov](mailto:courtney.d.enlow@usdoj.gov), [fedprog.ecf@usdoj.gov](mailto:fedprog.ecf@usdoj.gov)

John L. Davisson [davisson@epic.org](mailto:davisson@epic.org), [efiling@epic.org](mailto:efiling@epic.org)

**1:19-cv-00810-RBW Notice will be delivered by other means to::**

DAVID ANDREW CHRISTENSON

DAVID ANDREW CHRISTENSEN

P.O. Box 9063

Miramar Beach, FL 32550

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**suppressed

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