

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**JASON LEOPOLD and  
BUZZFEED, INC.,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
JUSTICE, et al.**

**Defendants.**

**Case No: 1:19-cv-01278-RBW**

**CABLE NEWS NETWORK, INC.,**

**Plaintiff,**

**v.**

**FEDERAL BUREAU OF INVESTIGATION,**

**Defendant.**

**EMERGENCY MOTION OF PLAINTIFFS JASON LEOPOLD, BUZZFEED, INC., AND  
CABLE NEWS NETWORK, INC. FOR COURT ORDER REQUIRING DEFENDANTS  
TO REPROCESS RECORDS BEFORE THE NOVEMBER 3, 2020 PRESIDENTIAL  
ELECTION IN LIGHT OF THE PRESIDENT'S RECENT DECLASSIFICATION AND  
WAIVER**

This Freedom of Information Act case involves FBI FD-302 reports of witness interviews from the Mueller investigation. Defendants DOJ and FBI have redacted or withheld a variety of records based on a variety of exemptions. While some of these withholdings result from statutes that prohibit release, many are discretionary and can therefore be waived. This Court has repeatedly recognized the importance of these records to the November 3, 2020 election.

On October 6, 2020, the President of the United States directed that all documents pertaining to investigations into Russian interference in the 2016 election, which includes the Mueller investigation, be released to the public, and stated that he had, in fact, previously ordered this be done. Twitter, @realDonaldTrump, Oct. 6, 2020 at 8:41pm (“I have fully authorized the total Declassification of any & all documents pertaining to the single greatest political CRIME in American History, the Russia Hoax. Likewise, the Hillary Clinton Email Scandal. No redactions!”); Twitter, @realDonaldTrump, Oct. 6, 2020 at 9:21pm (“All Russia Hoax Scandal information was Declassified by me long ago. Unfortunately for our Country, people have acted very slowly, especially since it is perhaps the biggest political crime in the history of our Country. Act!!!”) (attached as Group Exhibit A). As a result, (1) Exemption 1 no longer applies because the records are no longer classified, and (2) any FOIA exemptions have been waived with the exception of disclosures prohibited by the Privacy Act, Rule 6(e), or other statutes that prohibit release.

As a result, Plaintiffs ask the Court to order the government to reprocess the 302s to remove all redactions or withholdings based on Exemption 1 or any discretionary exemptions like Exemption 5, by October 28, 2020. This should be a simple process that requires no independent analysis or consultation beyond simply reviewing which exemptions were asserted and removing the applicable redactions based solely on which exemption claimed.

Due to the impending election and importance of this issue, Plaintiffs have filed this motion on an emergency basis. The parties have conferred, and the government has indicated that it will oppose. Plaintiffs respectfully request that the Court order the government to file any opposition by Monday, October 12, 2020, and schedule a hearing for the earliest available date thereafter so

that the motion may be resolved and any order complied with before the November 3, 2020 election.

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Matthew Topic  
LOEVY & LOEVY  
311 North Aberdeen, 3rd Floor  
Chicago, IL 60607  
T: (312) 243-5900  
foia@loevy.com  
DC Bar No. IL0037  
Counsel for Jason Leopold and BuzzFeed  
Inc.

/s/ Charles D. Tobin

Charles D. Tobin (D.C. Bar No. 455593)  
tobinc@balladspahr.com  
Matthew E. Kelley (D.C. Bar No. 1018126)  
kelley@balladspahr.com  
BALLARD SPAHR LLP  
1909 K Street, NW  
Washington, D.C. 20006-1157  
T: (202) 661-2200  
Counsel for Cable News Network, Inc.

# Group Exhibit A



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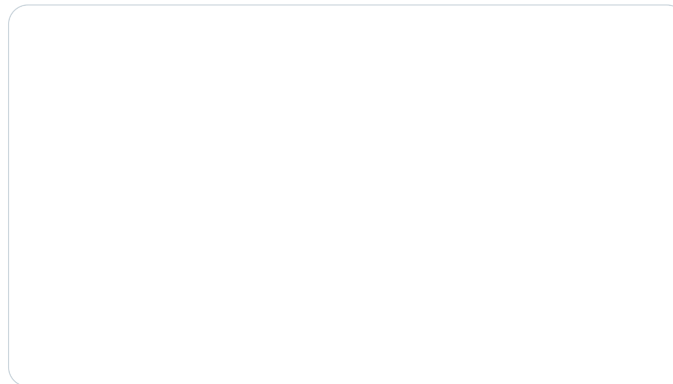
**Donald J. Trump** ✓  
@realDonaldTrump

I have fully authorized the total Declassification of any & all documents pertaining to the single greatest political CRIME in American History, the Russia Hoax. Likewise, the Hillary Clinton Email Scandal. No redactions!

**Paul Sperry** @paulsperry\_ · Oct 5

When all the documents are finally declassified, and all the redactions removed from reports, the nation will see that the FBI and CIA not only knew the Russia "collusion" allegations against Trump were a political dirty trick, but that they were in on the trick

7:41 PM · Oct 6, 2020 · Twitter for iPhone

**88.9K** Retweets **18.7K** Quote Tweets **238.1K** Likes**CJTRUTH** @cjtruth · Oct 6  
Replying to @realDonaldTrump  
RED OCTOBER

57

734

2.6K

**Mrs. Krassenstein** @HKrassenstein · Oct 6  
Replying to @realDonaldTrump  
So 4 weeks before the election you expect Americans to believe Joe Biden did something wrong years ago, just because Republicans say so? Americans aren't that stupid. Joe Biden is as clean as a whistle.

3.2K

1.1K

9.3K

**Mrs. Krassenstein** @HKrassenstein · Oct 6  
Hmm... 2016 an FBI investigation cost Hillary the election, so Trump is trying to convince the FBI to do the same thing to Biden in 2020. Not this time!

599

731

5.5K

[Show replies](#)**Carmine Sabia** ✓ @CarmineSabia · Oct 6  
Replying to @realDonaldTrump  
The Boss is back. The truth shall be known. James Comey, Rod Rosenstein, James Clapper and John Brennan better start booking flights.

67

139

1K

**Blake Bunting**  
@bunting\_blake**pew si plom ap/my new hairdo was a setup** @Beatrice... · Oct 6  
Replying to @realDonaldTrump

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**Donald J. Trump** ✓  
@realDonaldTrump  
45th President of the America**Paul Sperry**  
@paulsperry\_  
Former D.C. bureau Business Daily, Hoo media fellow, autho including bestseller

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**Donald J. Trump** ✓  
@realDonaldTrump

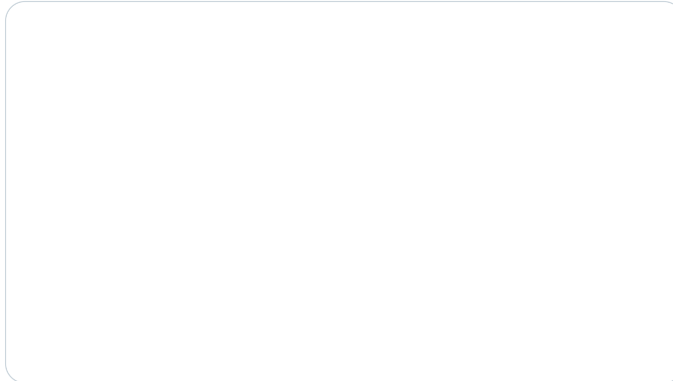
All Russia Hoax Scandal information was Declassified by me long ago. Unfortunately for our Country, people have acted very slowly, especially since it is perhaps the biggest political crime in the history of our Country. Act!!!

8:21 PM · Oct 6, 2020 · Twitter for iPhone

45.9K Retweets 2.5K Quote Tweets 161.2K Likes



**Parry Headrick** @pheadrick · Oct 6  
Replying to @realDonaldTrump



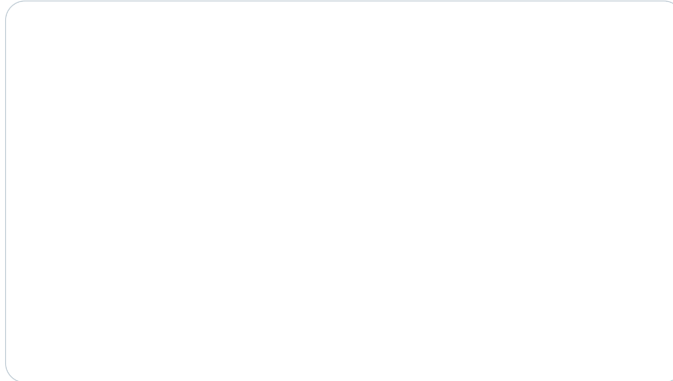
9

4

22



**VanillaGorilla** @Van1llaGorilla · Oct 6  
Replying to @realDonaldTrump



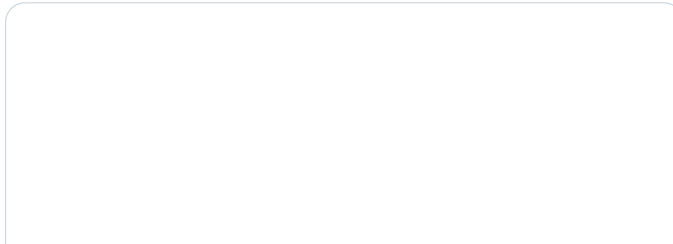
5

23

89



**oregon4TRUMP** @shawgerald4 · Oct 6  
Replying to @realDonaldTrump  
November 3rd



**Blake Bunting**  
@bunting\_blake



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**Donald J. Trump** ✓  
@realDonaldTrump  
45th President of the  
America

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