

October 26, 2023

United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, the Revolving Door Project makes the following request for records. The records requested herein may reside in multiple components or offices within your agency. We ask that you coordinate this request across your agency in your role as the agency's FOIA contact.

The Revolving Door Project requests that your agency produce the following within twenty business days:

All emails, including attachments, between any individual with a Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul Weiss") email address (@paulweiss.com) and any of the following individuals between the dates January 20, 2021 to October 11, 2023: Attorney General Merrick Garland; Deputy Attorney General Lisa Monaco; Associate Attorney General Vanita Gupta; Principal Deputy Assistant Attorney General Brian Boynton; or any other individual employed in the front offices of the aforementioned officials.

The Revolving Door Project seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Revolving Door Project welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Revolving Door Project hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to the Revolving Door Project, 1499 Massachusetts Ave NW DC, Washington DC.

If it will accelerate release of responsive records to the Revolving Door Project, please also provide responsive material on a rolling basis.

### **Expedited Processing**

The Revolving Door Project asks that this request be granted expedited processing as it concerns information that is of urgent public interest which the Project is prepared to disseminate. Recent reports revealed that a federal judge weighed whether law firm Paul Weiss will be removed from working on the Department of Justice's antitrust case against Google.<sup>1</sup> The reports generated significant interest, including, for example, being the lead topic in the influential "*Politico Influence*" newsletter.<sup>2</sup> At issue is the fact that Paul Weiss represented Google's key accusers in the case including Yelp, Spotify, and News Corp just a few years ago. Reports also note the centrality of Paul Weiss lawyer Karen Dunn to Google's case. Dunn is married to DOJ Federal Programs Branch Assistant Attorney General Brian Netter and prepared Attorney General Garland ahead of his confirmation hearings in 2021. In addition, Paul Weiss recently hired John Carlin, the former principal advisor to Deputy Attorney General Lisa Monaco, to its digital technology group, and other examples of the DOJ to big tech revolving door are numerous. As reported by *Bloomberg*, the judge ruled that Paul Weiss can continue to represent Google in the case, saying that the motion from Yelp and the News/Media Alliance trade group "fails to show any real risk of prejudice."<sup>3</sup> Clearly, the matter continues to be of interest to the media and the public.

As the media investigates the dynamics of these relationships and helps the public to assess whether there are conflicts of interest at play, the Revolving Door Project's request seeks to illuminate the relationship between Paul Weiss and key DOJ figures. The Project has previously reported on conflicts of interest within the executive and judicial branches,<sup>4</sup> and the public clearly deserves to know whether government officials are in any way violating federal ethics

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<sup>1</sup> Lydia Moynihan, "Top law firm in Google antitrust trial locked in ethics dispute," *The New York Post*, October 5, 2023,

<https://nypost.com/2023/10/05/top-law-firm-in-google-antitrust-trial-locked-in-ethics-dispute/>

<sup>2</sup> Josh Sisco and Caitlyn Oprysko, "Google's tactics take center stage in existential antitrust threat," *Politico*, October 11, 2023,

<https://www.politico.com/newsletters/politico-influence/2023/10/11/googles-tactics-take-center-stage-in-existential-antitrust-threat-00121038>

<sup>3</sup> Dan Papszun, "Paul Weiss Stays on Google Suit After Surviving Yelp Motion (2)," *Bloomberg News*, October 13, 2023,

<https://news.bloomberglaw.com/antitrust/paul-weiss-survives-google-case-disqualification-red-herring>

<sup>4</sup> See Vishal Shankar, "Clarence Thomas Has Yet Another Huge Conflict of Interest," *The American Prospect*, October 2, 2023,

<https://prospect.org/power/2023-10-02-clarence-thomas-another-conflict-of-interest/> and Andrea Beaty, "RDP Asks FTC IG To Investigate Ethics Officer Who Pushed Khan To Recuse While Owning Meta Stock," June 30, 2023,

<https://therevolvingdoorproject.org/rdp-asks-ftc-ig-to-investigate-ethics-officer-who-owned-meta-stock/>

guidance while handling this case which the media has called “monumental.”<sup>5</sup> These facts necessitate expedited processing of the Revolving Door Project’s request so the public can learn this information while the Google case is still underway.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s implementing regulations, the Revolving Door Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures in a significant way.<sup>6</sup> Moreover, the request is primarily and fundamentally for non-commercial purposes.<sup>7</sup>

The Revolving Door Project requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government.<sup>8</sup> Information regarding the impartiality of financial regulators is of great public interest as it helps members of the public to assess the integrity and credibility of governing institutions. The requested materials will shed light on this matter of great public interest. Additionally, Revolving Door Project has a long history of educating the public about the contents of its FOIA requests. The project has, for example, helped publicize the results of requests to the Federal Trade Commission and the Office of the Comptroller of the Currency in partnership with outlets such as the Hill<sup>9</sup> and the Intercept.<sup>10</sup>

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records.<sup>11</sup> As a 501(c)(3) nonprofit, the Revolving Door Project does not have a commercial purpose and the release of the information requested is not in the Revolving Door Project’s financial interest. The Revolving Door Project is a non-profit educational institution, and this request is made for educational purposes and not for a commercial use.

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<sup>5</sup> Greg Norman, “‘Monumental’ antitrust case between Google, Justice Department begins in Washington, DC,” *Fox Business*, September 12, 2023, <https://www.foxbusiness.com/technology/monumental-antitrust-case-google-justice-department-begins-washington-dc>

<sup>6</sup> 45 C.F.R. § 5.54(a).

<sup>7</sup> *Id.*

<sup>8</sup> 45 C.F.R. § 5.54(b)(1),(2)(i)-(ii).

<sup>9</sup> Harper Neidig, “Tech fight puts former FTC officials in high demand,” *The Hill*, August 28, 2019, <https://thehill.com/policy/technology/459039-tech-fight-puts-former-ftc-officials-in-high-demand>

<sup>10</sup> David Dayen, “Senate Democrats Claim a Top Banking Regulator is Serving Illegally in his Position,” *The Intercept*, October 16, 2017, <https://theintercept.com/2017/10/16/keith-noreika-occ-banking-senate-democrats/>

<sup>11</sup> 45 C.F.R. § 5.54(b)(3)(i)-(ii).

## **Conclusion**

We share a common mission to promote transparency in government. The Revolving Door Project looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Andrea Beaty at [beaty@therevolvingdoorproject.org](mailto:beaty@therevolvingdoorproject.org) or 240-274-8737. Also, if the Revolving Door Project's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,  
Andrea Beaty  
Research Director  
Revolving Door Project