

# EXHIBIT 4

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 9 Attorneys for Defendants

10 **IN THE UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 \_\_\_\_\_ )  
 ELECTRONIC FRONTIER, )  
 13 FOUNDATION )  
 )  
 14 Plaintiff, )  
 )  
 15 DEPARTMENT OF JUSTICE, )  
 16 FEDERAL BUREAU OF )  
 INVESTIGATION, AND DRUG )  
 17 ENFORCEMENT AGENCY, )  
 )  
 18 Defendants. )  
 19 \_\_\_\_\_ )

Civil Action No. 10cv04892 (RS)

**DECLARATION OF NICHOLAS  
 CARTIER IN SUPPORT OF  
 DEFENDANT’S RENEWED MOTION  
 FOR SUMMARY JUDGMENT**

20 I, Nicholas Cartier, hereby declare as follows:

21 1. I am a Trial Attorney in the Federal Programs Branch, Civil Division of the  
 22 United States Department of Justice. I am lead counsel and assigned with representation of  
 23 Defendants in this case.

24 2. Exhibit A is a true and correct copy of a January 22, 2013 email from Jennifer  
 25 Lynch, counsel for EFF, to Nicholas Cartier, counsel for Defendant.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed in  
2 Washington, D.C. on January 31, 2013.

3  
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5  
6 /s/ Nicholas Cartier  
7 NICHOLAS CARTIER, CA Bar #235858  
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# EXHIBIT A

**Cartier, Nicholas (CIV)**

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**From:** Jennifer Lynch <jlynch@eff.org>  
**Sent:** Tuesday, January 22, 2013 5:18 PM  
**To:** Cartier, Nicholas (CIV)  
**Subject:** Re: EFF v. DOJ

Nick,

Thanks for following up. I apologize for not getting back to you sooner. I've been swamped with a Supreme Court brief.

EFF will not challenge the FBI's revised *Vaughn* Index and will not challenge DEA's withholding of names, work email and work phone numbers. We are reserving the right to challenge the components' scoping determinations, though.

I think we have received all of the referred out materials, though I haven't had a chance yet to check, unfortunately.

Best,

Jennifer

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Jennifer Lynch  
Staff Attorney  
Electronic Frontier Foundation  
[jlynch@eff.org](mailto:jlynch@eff.org)  
415-436-9333 x136  
<https://www.eff.org/join>

On Jan 22, 2013, at 8:39 AM, Cartier, Nicholas (CIV) wrote:

Jennifer,

Just following up on my previous email. Has EFF taken a position on these issues yet?

Also, as explained in DEA's 12/14/12 supplemental release letter, DEA withheld the names, work email and work phone numbers of government personnel contained in the discretionary release pursuant to Exemption 6 and Exemption 7(c). Could you let me know whether EFF intends to challenge the withholding of these names and emails?

Thanks,  
Nick

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**From:** Jennifer Lynch [<mailto:jlynch@eff.org>]  
**Sent:** Wednesday, January 09, 2013 4:47 PM

To: Cartier, Nicholas (CIV)  
Subject: Re: EFF v. DOJ

Nick,

Thanks for your email. I hope you had a happy new year. I'm discussing your questions below with my colleagues at EFF and hope to get back to you with some answers by the end of this week or early next week.

Best,

Jennifer

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Jennifer Lynch  
Staff Attorney  
Electronic Frontier Foundation  
[jlynch@eff.org](mailto:jlynch@eff.org)  
415-436-9333 x136  
<https://www.eff.org/join>

On Jan 8, 2013, at 2:51 PM, Cartier, Nicholas (CIV) wrote:

Jennifer,

I hope you're well. I'm writing because I wanted to know whether EFF has made a decision about whether it intends to challenge the adequacy of FBI's amended *Vaughn* index. I was also wondering if EFF intends to challenge the components' scoping determinations in light of the second review conducted by the components pursuant to Judge Seeborg's order.

In addition, are there any referrals for which you have not received a final response or any decisions regarding referred-out materials that EFF intends to challenge?

Best,  
Nick

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