

# **EXHIBIT E**



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May 26, 2017

*VIA FOIA Online Portal*

Director  
Office of Information Policy  
US Department of Justice  
Suite 11050  
1425 New York Avenue  
Washington, DC 20530

**FOIA APPEAL**  
**EXPEDITED PROCESSING**  
**REQUESTED**

**Re: CNN'S FREEDOM OF INFORMATION ACT APPEAL  
CASE NO. 1374094-000**

To Whom It May Concern:

I represent CNN and its journalist Gregory Wallace, and I file this appeal to insist that the Department of Justice Office of Information Policy reverse the FBI's denial of CNN's request for expedited processing of Mr. Wallace's FOIA request for "copies of all records of notes taken by or communications sent from FBI Director James Comey regarding or documenting interactions (including interviews and other conversations) with President Donald Trump" between January 20, 2017 and May 10, 2017. The basis for this appeal is as follows:

On May 16, CNN reported that James Comey, when FBI Director, wrote contemporaneous memos documenting conversations with President Trump out of concern that Trump or other White House officials may meddle with an ongoing FBI investigation. Following these conversations, Comey was fired. The day after the memos were publicly reported, a special counsel was appointed to take over the investigation. Within days, the special counsel visited the FBI to be briefed on the content of the memos. CNN has reported on these matters extensively,<sup>1</sup> as they are of keen national importance concerning the leaders of our nation.

On May 16, CNN requested those and other memos via FOIA, and on May 23, the FBI denied CNN's request for expedited processing. We ask that OIP reverse this decision based on two sections of 28 CFR 16.5(e)(1):

1. 28 CFR 16.5(e)(1)(ii)- There is a great urgency to inform the public about actual or alleged federal government activity—specifically contemporaneous memos made by the FBI Director of his meetings with the President—and CNN is in the very business of disseminating information. The urgency to inform the public about the memos stem from the fact that at least one memo documents a statement made by the President which suggests that he asked the FBI Director to cease the agency's investigation into his

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<sup>1</sup> See e.g. [www.cnn.com/2017/05/22/politics/mueller-comey-russia-investigation/](http://www.cnn.com/2017/05/22/politics/mueller-comey-russia-investigation/);  
[www.cnn.com/2017/05/17/politics/special-counsel-robert-mueller/](http://www.cnn.com/2017/05/17/politics/special-counsel-robert-mueller/);  
[www.cnn.com/2017/05/16/politics/trump-james-comey-memo/](http://www.cnn.com/2017/05/16/politics/trump-james-comey-memo/).

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campaign and associates. There is no doubt that the public revelation of this information has played and will continue to play a critical role in the public's understanding of the President's level of cooperation with the investigation, as well as the government's handling of the investigation.

2. 28 CFR 16.5(e)(1)(iv)- The requested memos no doubt are a matter of widespread and exceptional media interest which pertains directly to possible questions about the government's integrity affecting public confidence in the Presidency and the Executive Branch. The very existence of the federal investigation, the appointment by DOJ of Robert Mueller as Special Counsel to lead the investigation, and investigations being conducted by the House and Senate, underscores why this FOIA request directly relates to possible questions about government integrity and public confidence in the Presidency. The documents reflect statements made by the FBI Director and the President on this very topic, and are therefore of the most extreme public interest.

For each reason noted above, OIP should grant CNN's appeal and return CNN's original request to the FBI for expedited processing.

And for the exact same reasons noted above, CNN requests that OIP review CNN's appeal for expedited processing.

**CERTIFICATION FOR EXPEDITED APPEAL PROCESSING**

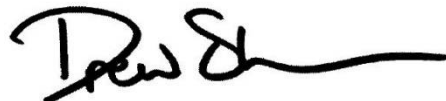
The undersigned hereby certifies the foregoing to be true to the best of his knowledge and belief, and that there exists a compelling need to receive a response to this appeal on an expedited basis.

\* \* \*

For all of the reasons stated above, CNN and Mr. Wallace request that the Department of Justice Office of Information Policy reverse the FBI's denial and release the requested documents in full and without redaction in the most expedited manner possible.

Please do not hesitate to contact me should you have any questions or concerns.

Respectfully Submitted,



Drew E. Shenkman  
Senior Counsel, CNN

cc: Gregory Wallace, Producer, CNN