

**Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE**

Jonathan Riches (025712)
Stacy Skankey (035589)
500 E. Coronado Rd.
Phoenix, Arizona 85004
(602) 462-5000
litigation@goldwaterinstitute.org

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Barry Goldwater Institute for Public Policy
Research,

Plaintiffs,

vs.

U.S. Department of Education,

Defendants,

No. 2:24-cv-00314-SMM

**PLAINTIFF'S CONSOLIDATED
REPLY IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT
-AND-
RESPONSE IN OPPOSITION TO
DEFENDANT'S CROSS-MOTION
FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, the Goldwater Institute (“Institute”) submits this Consolidated Reply in Support of its Motion for Summary Judgment (Doc. 18) and Response in Opposition to the Department of Education’s (“Department”) Cross-Motion for Summary Judgment (Doc. 22).

MEMORANDUM OF POINTS AND AUTHORITIES

SUMMARY OF ARGUMENT

The Institute submitted a Freedom of Information Act (“FOIA”) request to the Department on December 4, 2023 (“Request”). Pl.’s Statement of Facts (Doc. 19) (“PSOF”) ¶ 8. The Request sought a limited category of records pertaining to the Department’s public allegations against Grand Canyon University’s (“GCU”) purported

1 violations of the Higher Education Act, including how the Department coordinated with
2 other federal agencies. *Id.* ¶¶ 9–10.

3 The Request was made after the Department issued a highly public statement in
4 October 2023 announcing a \$37.7 million fine against GCU—the largest fine in agency
5 history by a long shot. PSOF ¶ 3. The Department’s press release pertaining to this
6 astronomical fine garnered significant media attention. PSOF ¶ 7. The Department
7 appeared to seek precisely this sort of media attention when it announced its historic fine
8 against GCU. *Id.* Press reports at the time also indicated that the Department coordinated
9 with the White House and other federal agencies regarding its activities directed against
10 GCU. *Id.* The Request sought a limited category of information regarding the
11 Department’s highly public activities on issues of public concern. PSOF ¶¶ 9–10.

12 After the Institute submitted its request, the Department failed to produce *any*
13 records within the required statutory time frame. PSOF ¶ 30–31. As a result, the Institute
14 filed a Complaint to compel production of the documents. PSOF ¶ 32. After this case
15 was filed, the Department provided some documents, but those documents were heavily
16 redacted, resulting in the withholding of nearly the entirety of the records. PSOF ¶¶ 33–
17 34.

18 The Institute then moved for summary judgment regarding the Department’s
19 failure to comply with FOIA’s statutory production deadline and asserting that the
20 Department improperly applied FOIA exemptions to the heavily redacted records that it
21 produced.

22 When the Department filed its Response to that motion, combined with its own
23 Cross-Motion for Summary Judgment, it included declarations from Department
24 personnel and a *Vaughn* index. As set out below, those declarations and *Vaughn* index
25 show that the Department has improperly withheld public information.

LEGAL ARGUMENT

I. The Institute is entitled to declaratory relief that the Department failed to respond within the statutory time period.

This action was originally filed because the Department failed to respond to the Institute's FOIA request within the timeframe proscribed by law, and the Institute is entitled to a declaration regarding the Department's FOIA violation on that issue. The Declaratory Judgment Act allows the court to "declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought." 28 U.S.C. § 2201(a).

It is undisputed that the Department failed to respond to the Institute's Request within the statutory period. PSOF ¶ 31; Defendant's Controverting Statement of Facts (Doc. 23) ("DCSOF") ¶ 31. With no legal or factual dispute on this issue, the Institute is entitled to summary judgment in its favor.

The Department contends that its production of the almost entirely redacted documents moots the Institute's statutory deadline claim. That is only true with respect to the Institute's request for an injunction, not declaratory relief. *See, e.g., Transgender L. Ctr. v. Immigr. & Customs Enf't*, 46 F.4th 771 (9th Cir. 2022) (district court granted declaratory relief that the agency failed to timely respond to their FOIA requests but otherwise ruled for the agency); *Muckrock, LLC v. CIA*, 300 F. Supp.3d 108 (D.D.C. 2018) (granting declaratory relief but not injunctive relief).

What's more, the Department has engaged in a pattern or practice of violating the FOIA's time limits. *Hajro v. U.S. Citizenship & Immigr. Servs.*, 811 F.3d 1086, 1103 (9th Cir. 2015). An agency engages in a pattern or practice of violating the FOIA if: "(1) the agency's FOIA violation was not merely an isolated incident, (2) the plaintiff was personally harmed by the alleged policy, and (3) the plaintiff himself has a sufficient likelihood of future harm by the policy or practice." *Id.* An agency's production of documents does not moot the pattern-or-practice claim. *Id.*

1 The Institute submitted this Request on December 4, 2023. The Department
2 responded by stating that its average processing time for FOIA requests was 185
3 business days. PSOF ¶¶ 8–15. It specified no unusual circumstances that would permit
4 any extension beyond the 20-business-day deadline set by the FOIA. PSOF ¶ 16. In
5 other words, the Department affirmed that it would *not* comply with the FOIA’s statutory
6 deadline—and made no attempt to comply with any of the FOIA’s other requirements
7 that would permit it additional time to respond in certain circumstances.

8 Then, after the statutory timeline lapsed, the Institute sent a written demand to the
9 Department seeking production of the documents and asserting that it would seek to
10 compel production if the records were not produced. PSOF ¶ 24. The Department *once*
11 *again* responded that average processing for a FOIA request was 185 business days, and
12 again failed to specify any unusual circumstances that prevented it from responding
13 within the statutory deadline. PSOF ¶¶ 25–26. Thus, again, the Department’s
14 communication simply indicated that it again would not comply with the FOIA’s
15 requirements. It was only *after* the Institute filed this action that the Department
16 provided any form of response and production of documents. PSOF ¶¶ 32–37.

17 The Department’s failure to comply within the statutory timeline of the FOIA was
18 not an isolated incident. The Institute has submitted other FOIA requests to the
19 Department, for which the Department has also not produced records within the
20 statutory deadline. *See* Plaintiff’s Controverting Statement of Facts ¶ 32. Indeed, *another*
21 FOIA request submitted by the Institute, and based on the Department’s response to this
22 request, is currently the subject of an administrative appeal with the Department. *Id.*

23 In this case, the Institute was required to issue repeated demands to the
24 Department for it to comply with the FOIA, and was eventually forced to file this
25 lawsuit in order to compel production after the Department made it clear that it had no
26 intention of complying with the requirements of federal law. That added significant time
27 and expense to this matter, and placed an unnecessary burden on the Institute. The
28 Department’s actions have also deprived the public of timely information about an issue

of national public concern that has garnered substantial media attention. A declaration from this Court will address both the Department’s flagrant delay regarding this FOIA request, and encourage the Department to refrain from such delay when processing future requests. *See Owen v. U.S. Immigr.*, No. CV 22-0550-DSF (AFMX), 2023 WL 9470904, at *8 (C.D. Cal. Jan. 12, 2023) (“declaratory judgment is an appropriate way address FOIA delays [because it] ... ‘can be a message not only to the parties but also to the public’ as ‘the repeated, routine violation of [FOIA] deadlines by agencies has been a continual source of concern for Congress’ and delays ‘continue as one of the most significant FOIA problems.’” (citations omitted)).

II. The Department did not narrowly construe the FOIA exemptions and did not meet its burden of proving the FOIA exemptions apply.

The purpose of FOIA is to “ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” *N.L.R.B. v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). The government bears the burden of proving that any claimed FOIA exemption applies. *Shannahan v. IRS*, 672 F.3d 1142, 1148 (9th Cir. 2012). To justify withholding public information, “the government must provide tailored reasons in response to a FOIA request. It may not respond with boilerplate or conclusory statements.” *Id.* (citing *Wiener v. FBI*, 943 F.2d 972, 978–79 (9th Cir. 1991)).

A. The Department has not met its burden of establishing that Exemption 5 applies.

Exemption 5 permits an agency to withhold only those public records that are “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). Exemption 5 exempts a limited category of records that “would be protected in litigation by the attorney work-product, attorney-client, and deliberative process privileges.” *ACLU of N. Cal. v. U.S. Dep’t of Just.*, 880 F.3d 473, 483 (9th Cir. 2018).

1 To meet its burden of proving that Exemption 5 applies, the Department must
2 show that “(A) the materials at issue are covered by the deliberative process privilege,
3 and (B) it is reasonably foreseeable that release of those materials would cause harm to
4 an interest protected by that privilege.” *Reps. Comm. for Freedom of the Press v. FBI*, 3
5 F.4th 350, 361 (D.C. Cir. 2021).

6 The deliberative process privilege covers “documents reflecting advisory
7 opinions, recommendations, and deliberations that are part of a process by which
8 government decisions and policies are formulated.” *Id.* (citation omitted and cleaned up).
9 The privilege applies if an agency can show “that a document is both (1) predecisional
10 or antecedent to the adoption of agency policy and (2) deliberative, meaning it must
11 actually be related to the process by which policies are formulated.” *Transgender L. Ctr.*,
12 46 F.4th at 783 (citations omitted and cleaned up). Predecisional documents are those
13 that include “subjective documents which reflect the personal opinions of the writer
14 rather than the policy of the agency.” *Maricopa Audubon Soc’y v. U.S. Forest Serv.*, 108
15 F.3d 1089, 1093 (9th Cir. 1997) (citation omitted). However, drafts are not necessarily
16 covered by the deliberative process privilege. *Transgender L. Ctr.*, 46 F.4th at 783.
17 Drafts must also include references to the decision to which the document pertains in
18 order to qualify. *Id.* Similarly, government “deliberations regarding how best to address
19 *public relations matters* or possible responses to an inquiry received from an outside
20 entity are *not* necessarily the type of policy decisions the privilege covers.” *Id.* (citation
21 omitted and cleaned up) (emphasis added).

22 The Department failed to meet its burden of proving that Exemption 5 applies to
23 all documents in this case because several of the documents withheld were not
24 predecisional to any agency policy.

25 *First*, the Department applied Exemption 5 to *all* information relating to the fine
26 against GCU. However, the fine against GCU is not a policy decision by the
27 Department. It is an *enforcement* decision. A policy is “[a] standard course of action that
28 has been officially established by an organization, business, political party, etc.”

1 POLICY, Black’s Law Dictionary (12th ed. 2024). A *policy* applies broadly to all parties
 2 subject to it, and results from general reasoning and the formulation of a principle. An
 3 *enforcement* decision, by contrast, is a case-specific choice to implement such a
 4 principle with respect to a particular entity, or to impose some penalty¹—as here, for
 5 example, where the Department’s action is a selective targeting of one private entity, and
 6 one by which the Department appears to have deviated from past policies by imposing a
 7 fine that has no historical precedent. The records sought pertain to communications
 8 about that *enforcement* decision, not a “policy” of the Department. Consequently,
 9 Exemption 5 does not apply to any of the records that have been withheld.

10 *Second*, the Department applied Exemption 5 to *objective* material, which is not
 11 privileged. *See* Exhibit 1² at 1–2. Predecisional documents are those that are *subjective*,
 12 or pertain to the *personal opinions* of the writer. *See Maricopa Audubon Soc’y*, 108 F.3d
 13 at 1093. Facts that are relayed by agency personnel, on the other hand, are inherently not
 14 subjective, and therefore cannot fall within the category of predecisional documents. The
 15 Department may only apply Exemption 5 to those portions of the records that are
 16 predecisional and deliberative.

17 *Third*, the Department applied Exemption 5 to communications with outside
 18 parties and non-agency personnel. *See* Exhibit 1 at 2–7. But Exemption 5 only applies to
 19 “inter-agency or intra-agency” documents. 5 U.S.C. § 552(b)(5) (emphasis added). It
 20 does not apply to communications with outside parties. Further, any assertion of
 21 attorney-client privilege or attorney work-product privilege also does not attach when
 22 the communications have been shared with outside parties. *See Jud. Watch, Inc. v. U.S.*
 23

24 ¹ To borrow terminology from another context, *enforcement* decisions are “adjudicative
 25 in nature,” whereas *policymaking* is “legislative.” 75 *Acres, LLC v. Miami-Dade Cnty.,*
 26 *Fla.*, 338 F.3d 1288, 1293–94 (11th Cir. 2003); *People of State of Ill. v. United States*,
 27 666 F.2d 1066, 1073 (7th Cir. 1981); *Ass’n of Nat’l Advertisers, Inc. v. FTC*, 627 F.2d
 1151, 1161–62 (D.C. Cir. 1979).

28 ² To aid the Court in understanding which documents are in dispute, the Institute
 provided a Response to the Department’s *Vaughn* Index, attached hereto as Exhibit 1.

1 *Postal Serv.*, 297 F. Supp.2d 252, 267 (D.D.C. 2004) (attorney-client privilege protects
 2 only those confidential communications between a client and an attorney for the purpose
 3 of obtaining or providing legal advice); *In re Sealed Case*, 146 F.3d 881, 884 (D.C. Cir.
 4 1998) (attorney-work product privilege protects only those mental impressions,
 5 conclusions, opinions, or legal theories of a party's attorney concerning litigation or
 6 documents prepared in anticipation of litigation).

7 *Fourth*, the Department applied Exemption 5 to communications regarding press
 8 releases. *See* Exhibit 1 at 7–8. Deliberations about public relations or information to
 9 outside entities are *not* policy decisions covered by Exemption 5, as they are neither
 10 predecisional nor deliberative. *See Transgender L. Ctr.*, 46 F.4th at 783. All records
 11 regarding the Department's press activities should therefore be immediately disclosed.

12 *Fifth*, the Department applied Exemption 5 to the subject lines in emails. *See*
 13 Exhibit 1 at 8–12. Subject lines of emails are not draft documents. *See Maricopa*
 14 *Audubon Soc'y*, 108 F.3d at 1093. And the Department has failed to prove how email
 15 subject lines are related to the process by which policies are formulated.

16 *Sixth*, the Department applied Exemption 5 to post-decisional documents. *See*
 17 Exhibit 1 at 12–14. Documents that lead to a policy decision may be predecisional, but
 18 documents explaining or interpreting a decision *after the fact* are post-decisional and not
 19 subject to the deliberative process privilege. *Assembly of State of Cal. v. U.S. Dep't of*
 20 *Com.*, 968 F.2d 916, 920 (9th Cir. 1992); *see also Renegotiation Bd. v. Grumman*
 21 *Aircraft Eng'g Corp.*, 421 U.S. 168, 184 (1975) (post-decisional memoranda set forth
 22 the reasons for an agency decision already made and therefore were not privileged).

23 In this case, even assuming the Department's decision to fine GCU was a
 24 "policy," which it is not, *that* decision was made on October 22, 2023. *See* Defendant's
 25 Separate Statement of Facts (Doc. 23) ("DSSOF") ¶ 9.³ Any documents created after
 26

27
 28 ³ Courts give agency affidavits a presumption of good faith. *Safecard Servs., Inc. v. SEC*,
 926 F.2d 1197, 1200 (D.C. Cir. 1991).

October 22, 2023, are therefore post-decisional, and cannot be withheld under Exemption 5.

B. The Department has not met its burden of establishing that Exemption 7(A) applies.

Exemption 7(A) applies to law enforcement records that “could reasonably be expected to interfere with enforcement proceedings.” 5 U.S.C. § 552(b)(7)(A). To apply Exemption 7(A), the Department must prove that “disclosure (1) could reasonably be expected to interfere with (2) enforcement proceedings that are (3) pending or reasonably anticipated.” *Citizens for Resp. & Ethics in Wash. v. U.S. Dep’t of Just.*, 746 F.3d 1082, 1096 (D.C. Cir. 2014) (citation omitted); *see also Lewis v. IRS*, 823 F.2d 375, 379 (9th Cir. 1987) (an agency must prove that documents would interfere with pending enforcement proceedings).

The Department has failed carry its burden of proof.

First, the Department applied Exemption 7(A) without establishing how disclosure of the requested records would interfere with enforcement proceedings. Here, the Department made its decision to impose a fine against GCU at the *conclusion* of its investigation. *See* DSSOF ¶¶ 8–9. That investigation is no longer open.

The purpose of Exemption 7(A) is to prevent disclosures that could reveal the government’s case in court, evidence, strategy, or alert suspects to establish defenses. *Maydak v. U.S. Dep’t of Just.*, 218 F.3d 760, 762 (D.C. Cir. 2000). But disclosure of the investigation materials could not interfere with the government’s case in the pending appeal. The Department has already disclosed its findings from its investigation and the basis for imposing a fine. New evidence is not permitted on appeal. *See, e.g., Tucker v. Seattle Hous. Auth.*, 670 F. App’x 488, 489 (9th Cir. 2016). Therefore, it is improbable that any *new* evidence would be revealed in the requested records. It is particularly improbable given the limited scope of the records sought; namely, *inter-agency*

1 communications, and communications pertaining to the Department's public activities,
2 including its media activities.

3 The harm the Department alleges is both speculative and conclusory. The
4 government must demonstrate that an exemption applies with tailored reasons and not
5 boilerplate or conclusory statements. *Shannahan*, 672 F.3d at 1148. The Department
6 does not explain *how* disclosing the limited information sought would reasonably
7 interfere with the enforcement proceedings.

8 *Second*, the Department applied Exemption 7(A) to several records without any
9 justification whatsoever. The most egregious example is the Department's basis for
10 withholding Document 30. The Department states the definition of Exemption 7(A), but
11 fails to give any tailored reasoning to justify the withholding. *See* Exhibit 1 at 15. Those
12 records were not properly withheld and must be immediately disclosed. *Shannahan*, 672
13 F.3d at 1148.

14 *Third*, the Department applied Exemption 7(A) to communications with another
15 federal agency—the FTC. *See* Exhibit 1 at 15–16. Exemption 7(A) only prevents the
16 disclosure of records that would interfere with *the withholding agency's* enforcement
17 proceedings. *Robbins Tire & Rubber Co.*, 437 U.S. at 227 (the intent of the exemption is
18 to prevent harm in the Government's case from allowing an opposing party earlier or
19 greater access to investigatory files). Moreover, the Department cannot claim Exemption
20 7(A) on behalf of *another* agency on the speculative basis that disclosure of the records
21 might interfere with *that* agency's separate investigation. At the very least, the
22 government is required to substantiate such an assertion with competent evidence from
23 that agency, which it has failed to do here.

24 The Department has not met its burden in proving that Exemption 7(A) applies to
25 all documents it withheld.
26
27
28

1 **CONCLUSION**

2 The Court should deny Defendant's Cross-Motion for Summary Judgment, and
3 grant summary judgment in favor of Plaintiff.
4
5
6
7

8 **RESPECTFULLY SUBMITTED** this 30th day of September, 2024 by:

9
10 /s/ Stacy Skankey
Jonathan Riches (0257120
Stacy Skankey (035589)
11 **Scharf-Norton Center for Constitutional Litigation**
12 **at the GOLDWATER INSTITUTE**
13 *Attorneys for Plaintiff*
14
15
16
17
18

19 **CERTIFICATE OF SERVICE**

20 Document Electronically Filed and Served on all counsel of record by ECF this
21 30th day of September, 2024.

22 /s/ Kris Schlott
23 Kris Schlott, Paralegal
24
25
26
27
28

Goldwater Institute's Response to the Department's *Vaughn* Index**EXEMPTION 5 DISPUTED RECORDS****OBJECTIVE MATERIAL NOT PRIVILEGED**

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
4	REVISED ED 24-00550-F (Apr. 15, 2024)_000020	(b)(5)	"Relevant facts" are not subjective or the personal opinions of the writer. <i>Maricopa Audubon Soc'y v. U.S. Forest Serv.</i> , 108 F.3d 1089, 1093 (9th Cir. 1997).
6	REVISED ED 24-000550-F (Apr. 15, 2024)_000024 – REVISED ED 24-00550-F (Apr. 15, 2024)_000026	(b)(5)	"Selective facts" are not subjective or the personal opinions of the writer. <i>Id.</i>
7	REVISED ED 24-00550-F (Apr. 15, 2024)_000027 – REVISED ED 24-00550-F (Apr. 15, 2024)_000028	(b)(5) (b)(7)(a)	"Selective supporting facts" and "factual information" are not subjective or the personal opinions of the writer. <i>Id.</i>
39	REVISED ED 24-00550-F (Apr. 15, 2024)_000091 – REVISED ED 24-00550-F (Apr. 15, 2024)_000093	(b)(5)	"Selective facts" are not subjective or the personal opinions of the writer. <i>Id.</i>
50	REVISED ED 24-00550-F (Apr. 15, 2024)_000124 – REVISED ED 24-00550-F (Apr. 15, 2024)_000125	(b)(5) (b)(7)(A)	"Selective facts" are not subjective or the personal opinions of the writer. <i>Id.</i>
54	REVISED ED 24-00550-F (Apr. 15, 2024)_000162 – REVISED ED 24-00550-F (Apr. 15, 2024)_000163	(b)(5)	"Selective facts" are not subjective or the personal opinions of the writer. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
96	REVISED ED 24-00550-F (Apr. 15, 2024)_000520 – REVISED ED 24-00550-F (Apr. 15, 2024)_000522	(b)(5)	“Selective facts” are not subjective or the personal opinions of the writer. <i>Id.</i>
98	REVISED ED 24-00550-F (Apr. 15, 2024)_000529 – REVISED ED 24-00550-F (Apr. 15, 2024)_000531	(b)(5)	“Selective facts” are not subjective or the personal opinions of the writer. <i>Id.</i>
112	REVISED ED 24-00550-F (Apr. 15, 2024)_000564 – REVISED ED 24-00550-F (Apr. 15, 2024)_000565	(b)(5)	“Factual information” is not subjective or the personal opinions of the writer. <i>Id.</i>
113	REVISED ED 24-00550-F (Apr. 15, 2024)_000566 – REVISED ED 24-00550-F (Apr. 15, 2024)_000567	(b)(5)	“Selective facts” are not subjective or the personal opinions of the writer. <i>Id.</i>

THIRD PARTY DISCLOSURE NOT PRIVILEGED

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
29	REVISED ED 24-00550-F (Apr. 15, 2024)_000073 – REVISED ED 24-00550-F (Apr. 15, 2024)_000074	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. 5 U.S.C. § 552(b)(5).

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
32	REVISED ED 24-00550-F (Apr. 15, 2024)_000078	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
69	REVISED ED 24-00550-F (Apr. 15, 2024)_000276 – REVISED ED 24-00550-F (Apr. 15, 2024)_000277	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
70	REVISED ED 24-00550-F (Apr. 15, 2024)_000278 – REVISED ED 24-00550-F (Apr. 15, 2024)_000280	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
72	REVISED ED 24-00550-F (Apr. 15, 2024)_000307 – REVISED ED 24-00550-F (Apr. 15, 2024)_000311	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
73	REVISED ED 24-00550-F (Apr. 15, 2024)_000312 – REVISED ED 24-00550-F (Apr. 15, 2024)_000314	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
75	REVISED ED 24-00550-F (Apr. 15, 2024)_000319 – REVISED ED 24-00550-F (Apr. 15, 2024)_000321	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
82	REVISED ED 24-00550-F (Apr. 15, 2024)_000345 – REVISED ED 24-00550-F (Apr. 15, 2024)_000348	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
83	REVISED ED 24-00550-F (Apr. 15, 2024)_000349 – REVISED ED 24-00550-F (Apr. 15, 2024)_000351	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
84	REVISED ED 24-00550-F (Apr. 15, 2024)_000352 – REVISED ED 24-00550-F (Apr. 15, 2024)_000356	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
85	REVISED ED 24-00550-F (Apr. 15, 2024)_000357 – REVISED ED 24-00550-F (Apr. 15, 2024)_000358	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
86	REVISED ED 24-00550-F (Apr. 15, 2024)_000359 – REVISED ED 24-00550-F (Apr. 15, 2024)_000360	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
88	REVISED ED 24-00550-F (Apr. 15, 2024)_000367 – REVISED ED 24-00550-F (Apr. 15, 2024)_000373	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
91	REVISED ED 24-00550-F (Apr. 15, 2024)_000387 – REVISED ED 24-00550-F (Apr. 15, 2024)_000388	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
103	REVISED ED 24-00550-F (Apr. 15, 2024)_000545 – REVISED ED 24-00550-F (Apr. 15, 2024)_000546	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
108	REVISED ED 24-00550-F (Apr. 15, 2024)_000558 – REVISED ED 24-00550-F (Apr. 15, 2024)_000559	(b)(5) (b)(7)(a)	This includes communications from non-agency personnel via voicemail. Exemption 5 only applies to inter- or intra-agency documents. <i>Id.</i>
120	REVISED ED 24-00550-F (Apr. 15, 2024)_000644 – REVISED ED 24-00550-F (Apr. 15, 2024)_000648	(b)(5) (b)(7)(a)	This includes communications from non-agency personnel via voicemail. Exemption 5 only applies to inter- or intra-agency documents. <i>Id.</i>
121	REVISED ED 24-00550-F (Apr. 15, 2024)_000649	(b)(5)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
122	REVISED ED 24-00550-F (Apr. 15, 2024)_000650 – REVISED ED 24-00550-F (Apr. 15, 2024)_000652	(b)(5)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
124	REVISED ED 24-00550-F (Apr. 15, 2024)_000656 – REVISED ED 24-00550-F (Apr. 15, 2024)_000661	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
126	REVISED ED 24-00550-F (Apr. 15, 2024)_000664 – REVISED ED 24-00550-F (Apr. 15, 2024)_000667	(b)(5)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
130	REVISED ED 24-00550-F (Apr. 15, 2024)_000777 – REVISED ED 24-00550-F (Apr. 15, 2024)_000779	(b)(5) (b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
131	ED 24-00550-F (May 7, 2024)_000039 – ED 24-00550-F (May 7, 2024)_000065	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel and GCU President Brian Mueller. Exemption 5 only applies to inter- or intra-agency documents. <i>Id.</i>
132	ED 24-00550-F (May 7, 2024)_000066 – ED 24-00550-F (May 7, 2024)_000067	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
133	ED 24-00550-F (May 7, 2024)_000068 – ED 24-00550-F (May 7, 2024)_000069	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
134	ED 24-00550-F (May 7, 2024)_000070	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
135	ED 24-00550-F (May 7, 2024)_000071 – ED 24-00550-F (May 7, 2024)_000072	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
136	ED 24-00550-F (May 7, 2024)_000073 – ED 24-00550-F (May 7, 2024)_000074	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>
137	ED 24-00550-F (May 7, 2024)_000075 – ED 24-00550-F (May 7, 2024)_000076	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
138	ED 24-00550-F (May 7, 2024)_000077	(b)(7)(a)	This document includes communications to non-agency personnel, including GCU Counsel. Exemption 5 only applies to inter- or intra- agency documents. <i>Id.</i>

Press Release Communications Not Privileged

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
1	REVISED ED 24-00550-F (Apr. 15, 2024)_000001 – REVISED ED 24-00550-F (Apr. 15, 2024)_000002	(b)(5) (b)(7)(a)	This includes emails with April Jordan, a FSA communications unit employee. Documents prepared for a press release are not a part of deliberative process privilege. <i>Transgender L. Ctr. v. Immigr. & Customs Enf't</i> , 46 F.4th 771, 783 (9th Cir. 2022).
2	REVISED ED 24-00550-F (Apr. 15, 2024)_000011 – REVISED ED 24-00550-F (Apr. 15, 2024)_000013	(b)(5)	This includes emails with April Jordan, a FSA communications unit employee. Documents prepared for a press release are not a part of deliberative process privilege. <i>Id.</i>
3	REVISED ED 24-00550-F (Apr. 15, 2024)_000016 – REVISED ED 24-00550-F (Apr. 15, 2024)_000019	(b)(5)	This includes emails with April Jordan, a FSA communications unit employee. Documents prepared for a press release are not a part of deliberative process privilege. <i>Id.</i>
61	REVISED ED 24-00550-F (Apr. 15, 2024)_000205	(b)(5) (b)(7)(a)	This includes emails with April Jordan and Melody Cowan, FSA communication unit employees. Documents prepared for a press release are not a part of deliberative process privilege. <i>Id.</i>
94	REVISED ED 24-00550-F (Apr. 15, 2024)_000420 – REVISED ED 24-00550-F (Apr. 15, 2024)_000509	(b)(5) (b)(7)(a)	Documents prepared for a press release are not a part of deliberative process privilege. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
101	REVISED ED 24-00550-F (Apr. 15, 2024)_000536 – REVISED ED 24-00550-F (Apr. 15, 2024)_000539	(b)(5) (b)(7)(a)	This includes emails with April Jordan and Melody Cowan, FSA communication unit employees. Documents prepared for a press release are not a part of deliberative process privilege. <i>Id.</i>
128	REVISED ED 24-00550-F (Apr. 15, 2024)_000670 – REVISED ED 24-00550-F (Apr. 15, 2024)_000671	(b)(5) (b)(7)(a)	This includes emails with April Jordan and Melody Cowan, FSA communication unit employees. Documents prepared for a press release are not a part of deliberative process privilege. <i>Id.</i>

Subject Lines of Emails are Not Privileged

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
5	REVISED ED 24-00550-F (Apr. 15, 2024)_000021 – REVISED ED 24-00550-F (Apr. 15, 2024)_000023	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Maricopa Audubon Soc'y</i> , 108 F.3d at 1093.
11	REVISED ED 24-00550-F (Apr. 15, 2024)_000038 – REVISED ED 24-00550-F (Apr. 15, 2024)_000039	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
12	REVISED ED 24-00550-F (Apr. 15, 2024)_000040 – REVISED ED 24-00550-F (Apr. 15, 2024)_000041	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
15	REVISED ED 24-00550-F (Apr. 15, 2024)_000046 –	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
	REVISED ED 24-00550-F (Apr. 15, 2024)_000047		
19	REVISED ED 24-00550-F (Apr. 15, 2024)_000053	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
20	REVISED ED 24-00550-F (Apr. 15, 2024)_000054	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
21	REVISED ED 24-00550-F (Apr. 15, 2024)_000055	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
22	REVISED ED 24-00550-F (Apr. 15, 2024)_000056	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
23	REVISED ED 24-00550-F (Apr. 15, 2024)_000057 – REVISED ED 24-00550-F (Apr. 15, 2024)_000059	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
24	REVISED ED 24-00550-F (Apr. 15, 2024)_000060 – REVISED ED 24-00550-F (Apr. 15, 2024)_000062	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
26	REVISED ED 24-00550-F (Apr. 15, 2024)_000068 – REVISED ED 24-00550-F (Apr. 15, 2024)_000070	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
27	REVISED ED 24-00550-F (Apr. 15, 2024)_000071	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
31	REVISED ED 24-00550-F (Apr. 15, 2024)_000077	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
33	REVISED ED 24-00550-F (Apr. 15, 2024)_000079 – REVISED ED 24-00550-F (Apr. 15, 2024)_000080	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
35	REVISED ED 24-00550-F (Apr. 15, 2024)_000084 – REVISED ED 24-00550-F (Apr. 15, 2024)_000087	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
37	REVISED ED 24-00550-F (Apr. 15, 2024)_000089	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
42	REVISED ED 24-00550-F (Apr. 15, 2024)_000097 – REVISED ED 24-00550-F (Apr. 15, 2024)_000098	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
45	REVISED ED 24-00550-F (Apr. 15, 2024)_000115 – REVISED ED 24-00550-F (Apr. 15, 2024)_000116	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
46	REVISED ED 24-00550-F (Apr. 15, 2024)_000117	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
48	REVISED ED 24-00550-F (Apr. 15, 2024)_000119 – REVISED ED 24-00550-F (Apr. 15, 2024)_000121	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
58	REVISED ED 24-00550-F (Apr. 15, 2024)_000200 – REVISED ED 24-00550-F (Apr. 15, 2024)_000201	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
60	REVISED ED 24-00550-F (Apr. 15, 2024)_000204	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
68	REVISED ED 24-00550-F (Apr. 15, 2024)_000275	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
76	REVISED ED 24-00550-F (Apr. 15, 2024)_000326 – REVISED ED 24-00550-F (Apr. 15, 2024)_000327	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
77	REVISED ED 24-00550-F (Apr. 15, 2024)_000328 – REVISED ED 24-00550-F (Apr. 15, 2024)_000329	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
78	REVISED ED 24-00550-F (Apr. 15, 2024)_000330 – REVISED ED 24-00550-F (Apr. 15, 2024)_000331	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
79	REVISED ED 24-00550-F (Apr. 15, 2024)_000332 – REVISED ED 24-00550-F (Apr. 15, 2024)_000334	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
99	REVISED ED 24-00550-F (Apr. 15, 2024)_000532 – REVISED ED 24-00550-F (Apr. 15, 2024)_000534	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
119	REVISED ED 24-00550-F (Apr. 15, 2024)_000642 – REVISED ED 24-00550-F (Apr. 15, 2024)_000643	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
125	REVISED ED 24-00550-F (Apr. 15, 2024)_000662 – REVISED ED 24-00550-F (Apr. 15, 2024)_000663	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>
128	REVISED ED 24-00550-F (Apr. 15, 2024)_000670 – REVISED ED 24-00550-F (Apr. 15, 2024)_000671	(b)(5) (b)(7)(a)	Subject lines of emails are not drafts. <i>Id.</i>

Post-decisional Documents Not Privileged

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
118	REVISED ED 24-00550-F (Apr. 15, 2024)_000640 – REVISED ED 24-00550-F (Apr. 15, 2024)_000641	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Assembly of State of Cal. v. U.S. Dep't of Com.</i> , 968 F.2d 916, 920 (9th Cir. 1992).
119	REVISED ED 24-00550-F (Apr. 15, 2024)_000642 – REVISED ED 24-00550-F (Apr. 15, 2024)_000643	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
120	REVISED ED 24-00550-F (Apr. 15, 2024)_000644 – REVISED ED 24-00550-F (Apr. 15, 2024)_000648	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
121	REVISED ED 24-00550-F (Apr. 15, 2024)_000649	(b)(5)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
122	REVISED ED 24-00550-F (Apr. 15, 2024)_000650 – REVISED ED 24-00550-F (Apr. 15, 2024)_000652	(b)(5)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
123	REVISED ED 24-00550-F (Apr. 15, 2024)_000653 – REVISED ED 24-00550-F (Apr. 15, 2024)_000654	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
124	REVISED ED 24-00550-F (Apr. 15, 2024)_000656 – REVISED ED 24-00550-F (Apr. 15, 2024)_000661	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
125	REVISED ED 24-00550-F (Apr. 15, 2024)_000662 – REVISED ED 24-00550-F (Apr. 15, 2024)_000663	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
126	REVISED ED 24-00550-F (Apr. 15, 2024)_000664 – REVISED ED 24-00550-F (Apr. 15, 2024)_000667	(b)(5)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
127	REVISED ED 24-00550-F (Apr. 15, 2024)_000668 – REVISED ED 24-00550-F (Apr. 15, 2024)_000669	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
128	REVISED ED 24-00550-F (Apr. 15, 2024)_000670 – REVISED ED 24-00550-F (Apr. 15, 2024)_000671	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
129	REVISED ED 24-00550-F (Apr. 15, 2024)_000775 – REVISED ED 24-00550-F (Apr. 15, 2024)_000776	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>
130	REVISED ED 24-00550-F (Apr. 15, 2024)_000777 – REVISED ED 24-00550-F (Apr. 15, 2024)_000779	(b)(5) (b)(7)(a)	The Department approved the fine against GCU on October 22, 2023. Any documents after October 22, 2023 are post-decisional. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index**EXEMPTION 7(A) DISPUTED RECORDS****Definition of Exemption**

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
30	REVISED ED 24-00550-F (Apr. 15, 2024)_000075 – REVISED ED 24-00550-F (Apr. 15, 2024)_000076	(b)(7)(A)	There are no tailored reasons why the exemption applies other than the boilerplate definition of Exemption 7(A). <i>Shannahan v. IRS</i> , 672 F.3d 1142, 1148 (9th Cir. 2012).

Separate Investigations

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
12	REVISED ED 24-00550-F (Apr. 15, 2024)_000040 – REVISED ED 24-00550-F (Apr. 15, 2024)_000041	(b)(5) (b)(7)(A)	This refers to a separate investigation. The Department does not have a reasonable expectation of interference with the GCU enforcement action. <i>N.L.R.B. v. Robbins Tire & Rubber Co.</i> , 437 U.S. 214, 227 (1978).
13	REVISED ED 24-00550-F (Apr. 15, 2024)_000042 – REVISED ED 24-00550-F (Apr. 15, 2024)_000044	(b)(5) (b)(7)(A)	This refers to a separate unrelated investigation. The Department does not have a reasonable expectation of interference with the GCU enforcement action. <i>Id.</i>
30	REVISED ED 24-00550-F (Apr. 15, 2024)_000075 – REVISED ED 24-00550-F (Apr. 15, 2024)_000076	(b)(7)(A)	This refers to a separate unrelated investigation. The Department does not have a reasonable expectation of interference with the GCU enforcement action. <i>Id.</i>
35	REVISED ED 24-00550-F (Apr. 15, 2024)_000084 –	(b)(5) (b)(7)(A)	This refers to a separate investigation. The Department does not have a reasonable expectation of interference with the GCU enforcement action. <i>Id.</i>

Goldwater Institute's Response to the Department's *Vaughn* Index

Doc. No.	Bates Number	Exemption	Reason Exemption Does Not Apply
	REVISED ED 24-00550-F (Apr. 15, 2024)_000087		
42	REVISED ED 24-00550-F (Apr. 15, 2024)_000097 – REVISED ED 24-00550-F (Apr. 15, 2024)_000098	(b)(5) (b)(7)(A)	This refers to a separate unrelated investigation. The Department does not have a reasonable expectation of interference with the GCU enforcement action. <i>Id.</i>
62	REVISED ED 24-00550-F (Apr. 15, 2024)_000206	(b)(5) (b)(7)(A)	This refers to a separate investigation. The Department does not have a reasonable expectation of interference with the GCU enforcement action. <i>Id.</i>