

# COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON  
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 6000

## Via Electronic Mail

July 3, 2018

Bureau of Alcohol, Tobacco, Firearms and Explosives  
ATTN: Disclosure Division, Room 1E400  
99 New York Avenue NE  
Washington, DC 20226  
foiamail@atf.gov

### Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Sir or Madam:

On behalf of my client, the Brady Center to Prevent Gun Violence (the “Brady Center”) and pursuant to the provisions of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended, and the applicable Bureau of Alcohol, Tobacco, and Firearms (“ATF”) FOIA regulations, 31 C.F.R. Part 1 & Appendix E, I request copies of the following records:

1. All warning letters, warning conference notices, and the underlying reports of violations and firearms inspection narrative reports, issued to federal firearms licensees from July 1, 2017 through the present.
2. All notices of revocation of license and the accompanying ATF Form 5400.10 issued to federal firearms licensees from July 1, 2017 through the present.

### FORMAT AND PRODUCTION REQUESTS

Responsive documents are requested to be produced in *their entirety*, including all attachments, enclosures, and exhibits. In the event that it is determined that a document contains material or information that falls within statutory exemptions to mandatory disclosure, it is requested that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016. Pub. L. 114-185. Similarly, in the event that it is determined that a document contains material or information that falls within the statutory exemptions to mandatory disclosure, it is expressly requested that, in accordance with the provisions of 5 U.S.C. § 552(b), any and all reasonably segregable portions of such document be produced. To the extent that you determine that any subject document will not be disclosed, you are requested to identify such documents in accordance with the requirements of *Vaughn v. Rosen*, 523 F.2d 1136 (D.C. Cir. 1975).

The burden is on the government to provide a determination within 20 working days. Given the focused nature of the request, we do not expect your office to have any difficulty

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meeting the statutory deadlines. But in the event your office will be unable to meet the deadline, we are willing to discuss an appropriate schedule for rolling productions. To the extent you have any questions after reviewing our request, do not hesitate to contact undersigned counsel.

### FEE WAIVER REQUEST

Pursuant to 31 C.F.R. § 1.7(d), the Brady Center to Prevent Gun Violence requests a fee waiver. “Fees *shall* be waived or reduced by this official when it is determined, based upon the submission of the requester, that a waiver or reduction of the fees is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 31 C.F.R. § 1.7(d)(1) (emphasis added). Thus, the ATF must waive or reduce the Brady Center’s fees because it has no commercial interest in the requested information and, instead, requests this information to educate the public at large regarding the ATF’s operations and activities to share information about guns used in criminal activity with other organizations throughout the country. *See id.*

The Brady Center is a 501(c)(3) non-profit corporation dedicated to creating a safer America by dramatically reducing gun violence. Its innovative strategy centers on keeping guns out of the wrong hands through three impact-driven, broadly engaging campaigns: (1) working to expand life-saving Brady background checks to all gun sales; (2) stopping the flow of crime guns that enable and worsen gun violence, including those sold by “bad apple” gun dealers; and (3) leading a new national conversation and changing social norms around the real dangers of guns in the home, to prevent the homicides, suicides, and unintentional shootings that happen every day as a result. The requested information will be used to educate the public and further these goals.

This firm and the undersigned will be responsible for the reasonable cost of locating and reproducing the requested documents to the extent required by your regulations and not otherwise waived. If such cost will exceed \$250, please contact us before incurring such cost.

Please direct all correspondence related to this request to:

Kevin Barnett  
Covington & Burling LLP  
One CityCenter  
850 Tenth Street NW  
Washington, D.C. 20001  
kbarnett@cov.com  
202-662-5430

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Thank you in advance for your assistance with this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Kevin Barnett". The signature is written in a cursive style with a long horizontal stroke at the end.

Kevin Barnett

cc: Joshua Scharff, Brady Center to Prevent Gun Violence  
Marina Utgoff Braswell, Department of Justice