Request - 25-01230-FOIA Back

Request Details

Date Requested	01/15/2025
Received Date	01/15/2025
Status	Closed

General Information

The Securities and Exchange Commission (SEC) maintains public and non-public records. Many records, such as registration statements and reports filed by regulated companies and individuals, SEC decisions and releases, staff manuals, no-action and interpretive letters, and public comments on proposed rules, can be viewed and printed for free by using the SEC on-line search feature. Please use the form below to obtain non-public records, such as records compiled in investigations, consumer complaints, and staff comment letters. We will release non-public records, unless the record is protected by one of nine FOIA exemptions. If we can reasonably segregate or delete exempt information from a requested record, we will release to you the rest of the record. You may also use the form below for records not posted to the web (usually dated prior to 1996) including SEC records and documents, historic Commission filings, special reports and studies, speeches, and testimony. If you have submitted a request to the SEC you can check your status of the request by selecting "Request Status".
Contact Sec if you have any difficulties using this form please send a fax to 202-772-9337.

If you are requesting Electronic Certification of Edgar Filings please click here.

Fields marked with an asterisk (*) are required

Action Office	HQ
Action Office Instructions	United States
Request Type	FOIA
Requester Category	News Media
Delivery Mode	E-mail

Shipping Address

Address 1	[redacted]	City	[redacted]
State	California	State (Other)	
Country	United States	Zip Code	[redacted]

Request Information

Please submit only one company or entity name per request. Do not Submit Multiple subject in one request. Provide a clear and complete description of document(s) requested. If you do not know the specific date, you must provide a date range, i.e. month and/or year

Include in description if known:

- Film/Document Control #
- File Number
- CIK #

If you have any attachments to provide describing your request select "Add Attachment".

Description

all documents, including e-mails, to or from any Quinn Emanuel Urquhart & Sullivan LLP employee as part of the SEC Investigation No. SF-4519 case file from January 1, 2022 to present.

Date Range for Record Search: From(mm/dd/yyyy)

To (mm/dd/yyyy)

One file only.
1000 MB limit.
Allowed types: txt, pdf, doc, docx

Description Document

Add Attachment

Fee Information

**To avoid delays in processing your request, please provide your willingness to pay at least $61.Pre-authorization of fees to a specific dollar amount in your request letter will speed the processing of your FOIA request. However, do not send pre-payment for your request. If you incur billable charges, an itemized invoice will accompany our final response to your request. You will be provided the option of paying the invoice online or by mail. Note that if fees are likely to exceed $250, the SEC does have the discretion to require advance payment prior to commencing any work.

Willing Amount ($) 0.00

Requesting a Fee Waiver

If you are seeking a fee waiver, it is your responsibility to provide detailed information to support your request. You must submit this information with your FOIA request. Each fee waiver request is judged on its own merit. TheSEC does not grant "blanket" fee waivers. The fact that you have received a fee waiver in the past does not mean you are automatically entitled to a fee waiver for other requests you submit, because an essential element of any fee waiver determination is whether the release of the particular documents sought will likely contribute significantly to public understanding of the operations or activities of the Government

Fee Waiver

If you are own merit. The SEC does not grant "blanket" fee waivers. The fact that you have received a fee waiver in the past does not mean you are automatically entitled to a fee waiver for other requests you submit, because an essential element of any fee waiver determination is whether the release of the particular documents sought will likely contribute significantly to public understanding of the operations or activities of the Government.

An essential element of any fee waiver determination is whether the release of the particular records sought will likely contribute significantly to public understanding of the operation or activities of the Government. The SEC will release records responsive to a request without charge or at a reduced rate if the SEC determines, based on all available information, that you have demonstrated that disclosing the information is:

1. Is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and

2. Is not primarily in your commercial interest.

Privacy Act Statement

The information requested by the New Requester Registration Form is collected to efficiently and accurately process record requests and administrative appeals under the FOIA and PA, as well as access, notification, and amendment requests and appeals under the PA. Additionally the information may be used to assist the Securities and Exchange Commission (SEC) in carrying out any other responsibilities under the FOIA or PA including reporting requirements, such as the Annual FOIA Report. Information collected in the New Requestor Registration page will allow the PAL system to send status updates to the Requestor through email. The authority for the collection of the information is the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Privacy Act of 1974, as amended, 5 U.S.C. § 552a, and SEC Rule 83 (17 CFR 200.83). The SEC will only share information from within the FOIA and PA program with external organizations when required by statute, executive order, regulation, or policy and for the response of a FOIA and/or PA request. Additional information about the permitted uses of the information can be found in System of Records Notice SEC-24, "Freedom of Information and Privacy Act Requests." Providing the information requested is voluntary. The requestor can still obtain a status of their FOIA request by entering the case number of the request into the PAL system. A requestor that does register will be able to receive email status updates and to see additional information about their requests.

Fee Waiver Request Reason

Cost Details :

Willing to Pay All Fees ☐

Expedite Information

Expedite Requested ☐

If you would like expedited treatment you must show "compelling need" in one of two ways: by establishing that your failure to obtain the records quickly "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual"; or, if you are a "person primarily engaged in disseminating information," by demonstrating that an "urgency to inform the public concerning actual or alleged Federal Government activity" exists.

Expedite Reason

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

February 25, 2025

Mr. Aaron Greenspan
[redacted]

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **25-01230-FOIA**

Dear Mr. Greenspan:

This letter responds to your request, dated and received in this office on January 15, 2025, seeking access to all documents, including e-mails, to or from any Quinn Emanuel Urquhart & Sullivan LLP employee as part of the SEC Investigation No. SF-4519 case file, from January 1, 2022, to present.

We are withholding records that may be responsive to your request under 5 U.S.C. § 552(b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities. Since Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies.

It is the general policy of the Commission to conduct its investigations on a non-public basis. Thus, subject to the provisions of FOIA, the Commission does not disclose the existence or non-existence of an investigation or information gathered unless made a matter of public record in proceedings brought before the Commission or in the courts. Accordingly, the assertion of this exemption should not be construed as an indication by the Commission or its staff that any violations of law have occurred with respect to any person, entity, or security. Please be advised that we have considered the foreseeable harm standard in preparing this response.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC’s General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act

Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, please contact Carl Rollins of my staff at rollinsc@sec.gov or (202) 551-8329. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,

Carrie Hyde-Michaels

For: Adrienne M. Santos
FOIA Branch Chief

Enclosure

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting https://www.sec.gov/oso/help/foia-contact.html.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at Archives.gov. Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

U.S. Securities and Exchange Commission

Freedom of Information Act Appeal

Please call the FOIA Office phone: (202) 551-7900 for assistance filing an appeal.

Under the FOIA, you have the right to appeal any adverse determination denying your request. The following are adverse determinations and are subject to appeal:

- A requested record is denied in whole or in part.
- A search of files failed to identify responsive records.
- The denial of a fee category claim by a requester, the denial of a request for waiver or reduction of fees, and a dispute regarding fee estimates.
- A determination not to grant expedited processing.
- Not providing a response determination to a FOIA request within the statutory time limits.
- Any determination found to be adverse in nature by the requester.

See the SEC FOIA Regulations (http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=a2195d9e0503544dad5a2ddeca6576ac&r=PART&n=pt17.3.200#se17.3.200_180) on appeals at 17 CFR 200.80 (f).

Three different methods are available for submitting FOIA Appeals:

1. Online Form – Submit your request using a form that is fillable online. This is the preferred method for submitting requests, due the quality of copy and its compatibility with our FOIA tracking system.

   CLICK HERE TO ACCESS THE ONLINE APPEAL FORM

2. Postal Mail or Courier – Submit your request by mailing the required documentation to:

   Securities and Exchange Commission
   Office of FOIA Services
   ATTN: FOIA Appeals

100 F Street NE, Mail Stop 2465
Washington, DC 20549

3. Facsimile (Fax) – Submit your request by facsimile to:

   (202) 772-9337

Fields marked with an asterisk (*) are required.

Contact Information

Prefix

Mr

First *

Aaron

MI

Last *

Greenspan

Suffix

Examples: Jr., Ph.D., CPA, Esquire

Telephone *

+1 415 670 9350

Email *

aaron.greenspan@plainsite.org

Company Name, if Applicable

PlainSite

Country *

United States

Street address *

[redacted]

City *

[redacted]

State *

California

Zip code *

[redacted]

Appeal Details

FOIA Request Number *

25-01230-FOIA

FOIA Request Subject

SEC Investigation No. SF-4519 Quinn Emanuel Documents

Name of the Deciding Official

Adrienne M. Santos

Date of Denial *

02/25/2025

Adverse Decision *

ADEQUACY OF SEARCH (No Information Found)
EXPEDITED PROCESSING DENIAL
FEE CLASSIFICATION
FEE WAIVER DENIAL

Your FOIA Appeal

The appeal should state why the requester disagrees with the determination and provide any additional supporting information.

Upon information and belief, the only federal investigation relevant to this request, SEC Investigation No. SF-4519, is closed. Therefore an Exemption 7(A) response is inappropriate.

Attachment File

Select txt pdf doc docx files

Drag file here or choose from folder

One file only.
10 MB limit.
Allowed types: txt, pdf, doc, docx.

Please read our Privacy Act Notice (http://www.sec.gov/privacy.htm) to learn more about how we may use the information you send to us.

CAPTCHA *

I'm not a robot

reCAPTCHA
Privacy - Terms

Warning: Extraneous information may be read while using a screen reader on the RECAPTCHA below.

SUBMIT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF THE
GENERAL COUNSEL

Stop 9613 March 13, 2025

Via electronic mail
aaron.greenspan@plainsite.org

Mr. Aaron Greenspan
Think Computer Foundation
[redacted]

Re: Appeal, Freedom of Information Act Request No. 25-01230-FOIA, designated on appeal as No. 25-00292-APPS

Dear Mr. Greenspan:

This responds to your Freedom of Information Act (FOIA) appeal of the FOIA Officer's response to your January 15, 2025 FOIA request for "[a]ll documents, including but not limited to e-mails, to or from any Quinn Emanuel Urquhart & Sullivan LLP employee as part of the SEC Investigation No. SF-04519 case file from January 1, 2020 to present." By letter dated February 25, 2025, the FOIA Officer denied your request pursuant to FOIA Exemption 7(A).

On February 25, 2025, you filed this appeal. You state that you are "[u]pon information and belief, the only federal investigation relevant to this request, SEC Investigation No. SF-04519, is closed" and "[t]herefore an Exemption 7(A) response is inappropriate." I have considered your appeal, and it is denied.

I have determined that the FOIA Officer correctly asserted Exemption 7(A) to withhold the requested records associated with Matter SF-04915.[1] There is a two-step test to determine whether information is protected under Exemption 7(A), whether: (1) a law enforcement proceeding is pending or prospective, and (2) release of information about it could reasonably be

[1] Exemption 7(A) authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information … could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A).

expected to cause some articulable harm.[2] We have confirmed with Division of Enforcement staff that Matter SF-04915 is still an active and ongoing law enforcement proceeding.[3]

Further, under Exemption 7(A), an agency may withhold records if they come within categories of records whose disclosure would generally interfere with enforcement proceedings.[4] We have confirmed with Division of Enforcement staff that the documents you seek come within categories whose disclosure could be reasonably expected to cause harm to the ongoing and active enforcement proceedings because, among other things, individuals and entities of interest in the underlying investigation could fabricate evidence, influence witness testimony and/or destroy or alter certain documents.[5] Public release of the records sought could also hinder the ongoing enforcement proceeding by revealing cooperating witnesses and exposing the scope of the underlying investigation.[6]

---

[2] *See, e.g., NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 224 (1978) (holding that the government must show how records "would interfere with a pending enforcement proceeding"); *Juarez v. Dep't of Justice*, 518 F.3d 54, 58-59 (D.C. Cir. 2008) (explaining that government must show that its ongoing law enforcement proceeding could be harmed by premature release of evidence or information).

[3] *See OKC Corp. v. Williams*, 489 F. Supp. 576 (N.D. Tex. 1980) (SEC is not required to disclose requested materials directly tied to a pending investigation); *Nat'l Pub. Radio v. Bell*, 431 F. Supp. 509, 514-15 (D.D.C. 1977) (Congress intended that Exemption 7(A) would apply where disclosure may impede any necessary investigation prior to court proceedings); *Robbins Tire*, 437 U.S. at 232 (Congress intended that Exemption 7(A) would apply "whenever the Government's case in court … would be harmed by the premature release of evidence or information."); *Accuracy in Media, Inc. v. U.S. Secret Service*, C.A. No. 97-2108, 1998 U.S. Dist. Lexis 5798 at 11 (D.D.C. April 16, 1998) (affirmation that there is an active and on-going investigation is enough); *Marzen v. HHS*, 632 F. Supp. 785, 805 (N.D. Ill. 1985) (concluding that Exemption 7(A) prohibits disclosure of law enforcement records when their release "would interfere with enforcement proceedings, pending, contemplated, or in the future"), *aff'd*, 825 F.2d 1148 (7th Cir. 1987).

[4] *Robbins Tire*, 437 U.S. at 236; *see also Solar Sources, Inc. v. United States*, 142 F.3d 1033, 1038 (7th Cir. 1998) ("the Government may justify its withholdings by reference to generic categories of documents").

[5] *See Robbins Tire*, at 232 (Congress intended that Exemption 7(A) would apply "whenever the Government's case in court … would be harmed by the premature release of evidence or information.").

[6] *See, e.g., Shannahan v. IRS*, 672 F.3d 1142, 1150 (9th Cir. 2012) (the use of Exemption 7(A) was proper where agency explained harm to ongoing investigation by showing that release could reveal identity of confidential informants and thus hinder other individuals from cooperating, violate terms of an international agreement, and expose scope of investigation); *Citizens for Responsibility & Ethics in Wash. v. Nat'l Indian Gaming Comm'n*, 467 F. Supp. 2d 40, 52 (D.D.C. 2006) (release of records regarding alleged misuse of tribal gaming revenues during investigation could allow targets to ascertain direction of investigations, to identify potential charges to be brought, and to expose state and nature of current investigations, thereby undermining federal investigations); *Suzhou Yuanda Enter. Co. v. Customs and Border Prot.*, 404 F. Supp. 2d 9, 14 (D.D.C. 2005) (release of information "would interfere with an agency investigation [by] informing the public of the evidence sought and scrutinized by this type of investigation"); *Elec. Privacy Info. Ctr. v. DHS*, 384 F. Supp. 2d 100, 119 (D.D.C. 2005) ("release of this information could undermine the effectiveness" of agency's investigation); *Judicial Watch v. Dep't of Justice*, 306 F. Supp. 2d 58, 75-76 (D.D.C. 2004) (release of documents during course of investigation could damage agency's ability to obtain information); *Lynch v. Dep't of the Treasury*, 210 F.3d 384, at *2 (9th Cir. 2000) (unpublished table decision) (agency declarations "made clear" that release of records could harm "efforts at corroborating witness statements . . . alert potential suspects . . . [and] interfere with surveillance"); *Solar Sources*, 142 F.3d at 1039 (disclosure could interfere by revealing "scope and nature" of investigation); *Amnesty Int'l v. CIA*, 728 F. Supp. 2d 479, 526-27 (S.D.N.Y. 2010) (disclosure of information in open investigations would reveal what individuals and activities were under investigation, what evidence had been collected, and compromise confidentiality of

The FOIA's segregability requirement does not require release of any of the withheld documents because they are exempt as disclosure of any of the records could reveal information that would harm the ongoing investigation and enforcement proceeding.[7] I have also considered whether partial disclosure of the withheld records is possible, but have determined that it is not because such a disclosure would not be consistent with the purposes of Exemption 7(A).[8]

Please be aware that my decision to affirm the FOIA Officer's assertion of Exemption 7(A) should not be construed as an indication by the Commission or its staff that any violations of law have occurred with respect to any person, entity, or security. As Exemption 7(A) precludes the release of the information at this time, no determination has been made concerning the applicability of any other FOIA exemptions. The Commission reserves the right to review the information to assert any other exemption when Exemption 7(A) is no longer applicable.[9]

You have the right to seek judicial review of my determination by filing a complaint in the United States District Court for the District of Columbia or in the district where you reside or have your principal place of business.[10] Voluntary mediation services as a non-exclusive alternative to litigation are also available through the National Archives and Records Administration's Office of Government Information Services (OGIS). For more information, please visit www.archives.gov/ogis or contact OGIS at ogis@nara.gov or 1-877-684-6448.

---

investigation; such disclosures were "'precisely the kind of interference that Congress . . . want[ed] to protect against'" (quoting *Robbins Tire*, at 247)).

[7] *See Robbins Gellar Rudman & Dowd LLP v. SEC*, 2019 WL 7396980 at *9, No. 19-CV-933 (RER) (E.D.N.Y. Dec. 30, 2019) ("release of any document or portion of a document, in response to the Plaintiff's request in this case, clearly identifies the document as one that the SEC itself believes to be important to its investigation, which, as a result, reveals the SEC investigation's focus, scope, direction, and strategy.") (quoting *Robbins Geller Rudman & Dowd LLP v. SEC*, 2016 WL 950995, at *9, No. 3:14-CV-2197 (TJC) (M.D. Tenn. Mar. 12, 2016) (citing *Curran v. Dep't of Justice*, 813 F.2d 473, 476 (1st Cir. 1987) (approving the DOJ's segregability efforts where "the agency [had] certified that there was 'no reasonably segregable portion of any of the withheld material' suitable for release, and that any attempt to describe the records in greater detail 'would lead to disclosure of the very information sought to be protected.'"); *see also*, *Dillon v. Dep't of Justice*, 102 F. Supp. 3d 272, 298 (D.D.C. 2015) (approving the FBI's segregability efforts where the Plaintiff requested the FBI's entire file on an al Qaeda operative and the FBI's affidavit stated that segregability was not possible because certain records were exempt from disclosure in their entirety pursuant to Exemption 7(A)); *Kidder v. FBI*, 517 F. Supp. 2d 17, 32 (D.D.C. 2007) (holding as follows in case in which the FBI's affidavit stated that responsive documents were exempt in their entirety because of Exemption 7(A): "[D]efendant is obliged merely to establish that categories of documents, not individual documents, are exempt from disclosure. Defendant has satisfied its burden, and its failure to make a document-by-document segregability determination is of no moment.").

[8] I further find that it is reasonably foreseeable that disclosure of the withheld records would harm interests protected by Exemption 7(A) because such a disclosure could compromise ongoing enforcement proceedings.

[9] *See LeForce & McCombs, P.C. v. Dep't of Health and Human Services*, Case No. Civ-04-176-SH (E.D. Okla. Feb. 3, 2005) (an agency does not waive the right to invoke exemptions by not invoking such exemption during the administrative processing of a FOIA request).

[10] *See* 5 U.S.C. § 552(a)(4)(B).

If you have any questions concerning my determination, please contact Mark Tallarico, Senior Counsel, at 202-551-5132.

For the Commission
by delegated authority,

Melinda Hardy
Assistant General Counsel for
Litigation and Administrative Practice