

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NINA BURLEIGH,)
FREQUENCY FORWARD)
Plaintiffs,)
FEDERAL COMMUNICATIONS COMMISSION) Civil Action No. 25-1268 (ABJ)
Defendant.)

)

PLAINTIFFS' MOTION FOR LEAVE TO TAKE DISCOVERY

1. Plaintiffs, Nina Burleigh and Frequency Forward, respectfully request that the Court issue an order permitting Plaintiffs to seek discovery under Federal Rule of Civil Procedure 26(d), including leave to take the deposition(s), under Federal Rule 30(b)(6), of an appropriate Federal Communications Commission (“FCC”) witness or witnesses.
2. The grounds for this motion are set forth in the accompanying memorandum of points and authorities.
3. Counsel for Plaintiffs conferred with Defendant’s counsel. Defendant opposes the relief requested in this motion.

Respectfully submitted

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Dated: February 9, 2025

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TABLE OF CONTENTS

PRELIMINARY STATEMENT.....	1
THE FCC'S SEARCH FOR DOCUMENTS RESPONSIVE TO PLAINTIFFS'	
FOIA REQUEST WAS INADEQUATE AND MADE IN BAD FAITH.....	4
ARGUMENT.....	12
CONCLUSION.....	15

TABLE OF AUTHORITIES

Cases

<i>Citizens for Resp. & Ethics in Wash. v. U.S. Dep't of Just.,</i> 2006 U.S. Dist. LEXIS 34857, 2006 WL 1518964, (D.D.C. June 1, 2006).....	12
<i>Comptel v FCC,</i> 910 F.Supp.2d 100 (D. D.C, 2012).....	13
<i>Dep't of the Interior and Bureau of Indian Affrs. v. Klamath Water Users Protective Assn.,</i> 532 U.S. 1, 7-8, 121 S. Ct. 1060, 149 L. Ed. 2d 87 (2001).....	12
<i>EPA v. Mink</i> , 410 U.S. 73, 86, 93 S.Ct. 827, 35 L.Ed.2d 119 (1973).....	14
<i>Judicial Watch v. FDA,</i> 449 F.3d 141, (D.C.Cir. 2006).....	14
<i>Hall v. Dep't of Justice,</i> 552 F.Supp.2d 23, 27 (D.D.C. 2008).....	14
<i>Hamdan v. United States DOJ,</i> 797 F.3d 759, (9th Cir. 2015).....	12
<i>King v. Dep't of Justice,</i> 830 F.2d 210, (D.C.Cir. 1987).....	14
<i>Miccosukee Tribe of Indians of Fla. v. United States,</i> 516 F.3d 1235, (11th Cir. 2008).....	13
<i>Miller v. Dep't of State,</i> 779 F.2d 1378 (8th Cir. 1985).....	13
<i>Morley v. CIA,</i> 508 F.3d 1108, 378 U.S. App. D.C. 411 (D.C. Cir. 2007).....	13, 14
<i>Pratt v. Webster,</i> 218 U.S. App. D.C. 17, 673 F.2d 408, (D.C. Cir. 1982).....	12
<i>Pub. Citizen Health Research Group v. FDA,</i> 997 F. Supp. 56, (D.D.C. 1998).....	12
<i>Robert Julien Family Del. Dynasty Tr. v. IRS,</i> 2024 U.S. Dist. LEXIS 29758, (S.D. Fla. Feb. 19, 2024).....	12

SafeCard Servs., Inc. v. SEC,
926 F.2d 1197, (D.C.Cir.1991).....13

Transgender Law Ctr. v. Immigration & Customs Enft,
46 F.4th 771, (9th Cir. 2022).....12, 13

Valencia-Lucena v. United States Coast Guard,
336 U.S. App. D.C. 386, 180 F.3d 321, (1999).....14

Vaughn v. Rosen,
484 F.2d 820, (D.C.Cir.1973).....13, 14

Voinche v. FBI,
412 F. Supp. 2d 60, (D.D.C. 2006).....12

Weisberg v. Dep't of Just.,
705 F.2d 1344, 227 U.S. App. D.C. 253 (D.C. Cir. 1983).....13

Administrative Cases

In the Matter of Space Exploration Holdings, LLC; Request for Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System,
2026 FCC LEXIS 77, (Space Bureau, Jan. 9, 2026).....3, 4

Statutes

47 U.S.C. § 154(b)(2)(A).....10

Rules

5 C.F.R. §2635, Subpart D.....10

Fed. R. Civ. P. 26(d).....1

Fed. R. Civ. P. 30(b)(6).....1

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2. Counsel for Plaintiffs conferred with Defendant’s counsel. Defendant opposes the relief requested in this Motion.

PRELIMINARY STATEMENT

3. On November 13, 2024, President-elect Donald Trump, at the urging of Elon Musk (“Musk”) announced the formation of DOGE and placed Musk at its head.¹ Musk oversaw

¹ Colleen Long & Jill Colvin, *Trump says Musk, Ramaswamy will form outside group to advise White House on government efficiency*, AP News (Nov. 12, 2024), <https://apnews.com/article/donald-trump-president-elon-musk-vivek-ramaswamy-2f0f76bb6440231f2504b77cb117d988>.

DOGE from January 20, 2025, until May 28, 2025. Musk is a multi-billionaire and the largest contributor to the Republican Party.² After leaving DOGE, Musk continues to contribute money in support of Republican Party candidates.³ Musk holds a 42% ownership stake and almost 79% of the voting power of Space Exploration Holdings, LLC (“SpaceX”).⁴ Starlink, a wholly owned subsidiary of SpaceX, is regulated by the FCC.

4. According to a report published by Permanent Subcommittee on Investigations Minority Staff, Musk through DOGE enriched his companies and himself by using his governmental authority to evaded oversight, derail investigations, and make litigation disappear.⁵ Since President Trump has taken office, the FCC, headed by Chairman Brendan Carr,⁶ has acted favorably on several Starlink initiatives. For example, during this period, the FCC has opened an investigation against SpaceX competitor EchoStar, which holds satellite licenses coveted by SpaceX.⁷ When EchoStar agreed to sell its satellite frequencies to Starlink, Carr dismissed the

² Musk donated more than \$291 million to Republican candidates, political action committees and other outside spending organizations in the 2024 election cycle. Meyers, David, *Elon Musk tops list of 2024 political donors, but five others gave more than \$100 million* (March 26, 2025) <https://www.opensecrets.org/news/2025/03/elon-musk-tops-list-of-2024-political-donors-but-six-others-gave-more-than-100-million>

³ Rego, Max *Musk drops \$10 million in race to replace McConnell* (Jan. 19, 2026) <https://thehill.com/homenews/campaign/5695621-musk-donation-nate-morris-kentucky-senate/>

⁴ Maidenberg, Micah, *Elon Musk Borrowed \$1 Billion From SpaceX in Same Month of Twitter Acquisition* (Sept. 5, 2023) *Wall Street Journal* <https://www.wsj.com/business/elon-musk-supacex-loan-269a2168>;

⁵ <https://www.hsgac.senate.gov/wp-content/uploads/2025-04-27-Minority-Staff-Memorandum-Elon-Musk-Conflicts.pdf>

⁶ Brendan Carr wrote a chapter on the FCC and telecommunication for Project 2025, the Heritage Foundation’s blueprint for the Trump administration. <https://www.cbsnews.com/news/trump-fcc-brendan-carr-project-2025-what-to-know/>

⁷ SPECIAL INTERESTS OVER THE PUBLIC INTEREST: ELON MUSK’S 130 DAYS IN THE TRUMP ADMINISTRATION https://www.warren.senate.gov/imo/media/doc/130_days_of_elon_musk_report.pdf

investigation.⁸ The FCC granted a waiver for SpaceX to provide satellite service directly from orbit to smartphones, over the objection of cell network providers who say this move will worsen mobile network service for many.⁹ Most recently, the FCC's Space Bureau in *SpaceX Gen2 NGSO Satellite System*, over the objections of various parties, authorized SpaceX to launch an additional 7,500 satellites and granted SpaceX several key waivers of the FCC's rules.¹⁰

5. On February 24, 2025, Plaintiffs filed a FOIA request with the FCC. ECF No. 1 at 12–18. Plaintiffs' FOIA request seeks information concerning DOGE's activities within the FCC and especially documents concerning FCC contacts with Elon Musk, SpaceX, Starlink or other entities associated with Musk and his various enterprises. DOGE's operations within the FCC are at the heart of a debate concerning potential conflicts of interest between Musk and DOGE as government regulators, and Musk's SpaceX, including Starlink, as a regulated entity seeking licenses and other authorizations from the FCC. In the *SpaceX Gen2 NGSO Satellite System* proceeding the Ukrainian Congress Committee of America, Inc. ("UCCA"), raised the issue of conflict-of-interest between the FCC and Musk. The Space Bureau declined to take any action or investigate. Instead, it dismissed UCCA's conflict-of-interest showing stating:

DOGE did not make any submissions in the record of the above-captioned proceedings. Accordingly, given the lack of any such submissions, the Commission did not rely on any input from DOGE in these proceedings. In addition, Elon Musk left his

⁸ DeSelding, Peter, *And just like that: FCC Chairman drops investigation into EchoStar licenses after spectrum sales to AT&T, SpaceX*, (Sept. 9, 2025) Space Intel Report <https://www.spaceintelreport.com/and-just-like-that-fcc-chairman-drops-investigation-into-echostar-licenses-after-spectrum-sales-to-att-spacex/>

⁹ See, n. 7.

¹⁰ *In the Matter of Space Exploration Holdings, LLC; Request for Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, 2026 FCC LEXIS 77, (Space Bureau, Jan. 9, 2026)

government role around the end of May 2025, so the conflict-of-interest concerns underlying the Motion for Stay are moot.¹¹

This hardly addresses the conflict-of-interest issue, but the Space Bureau declined to go any further. Once again, Musk avoided regulatory scrutiny.

6. The evidence strongly suggests that Musk bought his way into the White House and his position in DOGE, and that he has used his government authority to earn huge profits for himself and his companies. As Supreme Court Justice Sonia Sotomayor stated in a recent oral argument, “You mean to suggest that the fact that one major donor to the current president—the most major donor to the current president—got a very lucrative job immediately upon election from the new administration does not give the appearance of quid pro quo?”¹² Plaintiffs’ FOIA request seeks documents that shed light on the relationship between the FCC, Musk as regulator and Musk and his companies as regulated entities. It is just this relationship that the FCC, through the leadership of its Chairman, Brendan Carr, seeks to conceal. Discovery is necessary to unearth documents responsive to Plaintiffs’ FOIA request which the FCC has withheld in bad faith.

THE FCC’S SEARCH FOR DOCUMENTS RESPONSIVE TO PLAINTIFFS’ FOIA REQUEST WAS INADEQUATE AND MADE IN BAD FAITH.

7. The FCC has failed to make a good faith search for documents responsive to Plaintiffs’ FOIA request. While the FCC’s staff often communicates via text messages, the Defendant has not provided a single text message. For example, in a March 12, 2025, email from Adam Candeub, FCC General Counsel, to Tarak Makecha, an imbedded DOGE employee, Candeub

¹¹ *SpaceX Gen2 NGSO Satellite System* at para. 28 (footnote omitted).

¹² Olmsted, Edith, *Sotomayor Rips Lawyer Who Claims Elon Musk’s DOGE Job Wasn’t Shady* (Dec. 9 2025) <https://newrepublic.com/post/204200/sonia-sotomayor-supreme-court-elon-musk-doge-quid-pro-quo>

states, “Responding to your text, below is the email chain reflecting the last interaction we had with DOGE.” In the next paragraph of that email Candeub states, “As I said in my text, I'd be happy to introduce you to people tomorrow.”¹³ The text exchange between Candeub and Makecha was not produced or identified in the *Vaughn* index the FCC produced on February 2, 2026.¹⁴

8. Plaintiffs’ FOIA request broadly defines documents to include “SMS messages, and messages on applications such as Signal, Telegram, iMessage, WhatsApp, Slack, and Microsoft Teams” and “communications sent through personal electronic devices or accounts in the course of their work. ECF No. 1 at 12–18. Except for a handful of Microsoft Teams messages, these types of documents have not been produced, though the evidence demonstrates that they exist and should have been produced.

9. FOIA request number 8 states: “All documents from January 1, 2021, to the present, relating to travel by Brendan Carr or the Carr Office to any location or facility of any Elon Musk Affiliated Entity.” Not a single document was produced, or identified in the *Vaughn* index, which is responsive to Plaintiffs’ request no. 8, even though such documents clearly exist. Brendan Carr maintains a public friendship with Elon Musk, frequently supporting his companies, accusing the Biden administration of “regulatory harassment,” and benefiting Musk's businesses with favorable FCC decisions. Their alliance is visible through Carr’s posts on Musk's X platform, his attending SpaceX events, and his advocacy against actions that hindered Starlink's federal

¹³ Bates No. 002558, email from Adam Candeub to Tarak Makecha, March 13, 2025. Attached hereto as part of Exhibit 1.

¹⁴ See Exhibit 2. The FCC’s *Vaughn* index is penurious in its reasons for redactions or withholdings of document. It lacks sufficient detail for the Plaintiffs, or subsequently the court, to assess the claims for exemptions.

subsidies.¹⁵ Carr is also known to be a person who regularly communicates through text messages.¹⁶ He has had numerous contacts with Musk's organization and has often traveled to meet with Musk or to attend a SpaceX launch. Yet, the Defendant has produced no records related to such travel even though Carr's own FCC-affiliated social media accounts indicated that during the FOIA search period Carr made at least eight trips to Musk Affiliated Entities. Below are posts Carr made on his X account. They each demonstrate that Carr was physically present at a facility owned and operated by one of Musk's companies.

- On June 30, 2021, Carr posted on X, "Beaming high-speed Internet from space. The @SpaceX team here in Redmond, Washington manufactures the thousands of next-gen satellites that are helping to expand connectivity. The post includes pictures of Carr at the Redmond facility.¹⁷
- On March 18, 2024, Carr posted on X, "Great to visit with the talented Starlink team in Texas today. LEO satellite systems are changing the game for Internet connectivity." The post includes a picture of Carr with the Starlink team.¹⁸
- On May 28, 2024, Carr posted on X from Hawthorne, California, "SpaceX has changed the game for getting mass into orbit. This has unlocked a new wave of innovation and space entrepreneurship in America. Great to visit with Brian and the talented manufacturing team here." The post includes a picture of Carr and another individual standing in front of a SpaceX rocket.¹⁹
- On July 3, 2024, Carr posted on X, "Great to meet with the talented @Starlink and @SpaceX teams in Redmond, Washington recently. Beaming high-speed Internet across the globe from low earth orbit satellites is a game changer for connectivity." The post

¹⁵ Bode, Karl, *FCC Boss Brendan Carr Shamelessly Plugs Elon Musk's Starlink Like A Dodgy Used Car Salesman* (April 16, 2025) Techdirt <https://www.techdirt.com/2025/04/16/fcc-boss-brendan-carr-shamelessly-plugs-elon-musks-starlink-like-a-dodgy-used-car-salesman/>

¹⁶ For example, see Darcey, Oliver "A Runaway Carr Pressed by Status over text message, FCC boss Brendan Carr defended his actions—including his decision not to go after Rupert Murdoch's Fox." (Feb. 12, 2025) Status https://www.status.news/p/brendan-carr-fcc-fox-interview?_bhid=18a464197dbd748329ec25da4892c6fdaf496f77&utm_campaign=a-runaway-carr&utm_medium=newsletter&utm_source=www.status.news

¹⁷ <https://x.com/BrendanCarrFCC/status/1410381256714461190?s=20>

¹⁸ https://x.com/hashtag/CarrTrip?src=hashtag_click

¹⁹ <https://x.com/BrendanCarrFCC/status/1795477589395718351?s=20>

includes a picture of Carr standing with another individual next to a model of a SpaceX rocket.²⁰

- On August 22, 2024, Carr posted on X, “Great to spend time with @SpaceX’s talented & hardworking teams today. Their bold and innovative efforts are opening up new opportunities for our economy and humanity. And, by the way, there’s nothing like seeing a Starship in person. Starbase, Texas | Visiting here can change your perspective. Rolls of stainless steel bump along on trucks down the old road that leads to this scrubby spit of land. That steel eventually leaves earth from here at Mach speed thanks to the bold, innovative work of SpaceX’s engineering teams.” The post includes a picture of Carr at Starbase, Texas.²¹
- On August 26, 2024, Carr posted on X, “Elon Musk has transformed long-dormant industries, and he’s developed a first principles “production algorithm” to deliver results. It’s a great blueprint for reforming the Administrative State, driving efficiency in government, and unleashing a new cycle of American innovation.” The post includes a picture of Carr and Musk at what appears to be a Tesla facility. The location is not disclosed.²²
- On October 13, 2024, posted on X, “A historic day here in Texas. Congratulations to @SpaceX and its talented team. The most powerful rocket ever built. And an extraordinary booster catch back at the pad. Amazing to see.” The post includes a picture of a SpaceX rocket taking off and the booster landing.²³
- On Nov 19, 2024, Carr posted on X, “A historic day at Starbase. Congratulations to the SpaceX team on a successful Sixth test flight—another giant leap forward.” The post includes pictures of Carr at SpaceX’s Starbase in Texas and a photograph of Carr posing with Musk.²⁴

There are at least eight instances within the time frame of Plaintiffs’ FOIA request during which Carr traveled to a “location or facility of any Elon Musk Affiliated Entity.”

10. Clearly, Carr or his office must have communicated via email or text message with the Musk Affiliated Entity he was scheduled to visit. Yet no documents were identified or produced. As a federal agency, the FCC likely adheres to federal travel regulations. For official

²⁰ <https://x.com/BrendanCarrFCC/status/1808515912871403718?s=20>

²¹ <https://x.com/BrendanCarrFCC/status/1826717117368180774?s=20>

²² <https://x.com/BrendanCarrFCC/status/1828136919467008216?s=20>

²³ <https://x.com/BrendanCarrFCC/status/1845471716518113780?s=20>

²⁴ <https://x.com/BrendanCarrFCC/status/1859044179852357867?s=20>

travel, it is almost certain that – at the very minimum – a travel itinerary, briefing memorandum or calendar notice with the agenda would have been created by the FCC or Carr’s Office staff. These itineraries or calendar notices are official records, and a simple search should have produced them. Furthermore, all Commission travel is generally required to be booked through the Commission’s travel management software provided by E2 Solutions.²⁵ The E2 Solutions software can produce records of all travel authorizations and voucher amounts by employee name. Again, a simple search of the E2 Solutions database for travel should have produced travel itinerary authorizations or vouchers.²⁶

11. Plaintiffs’ need for these documents is critical. As discussed, *supra*, the FCC has refused to consider the conflict-of-interest created, on the one hand, by Musk’s role as a super contributor to the Republican Party, his role as head of DOGE and, on the other hand, his control of SpaceX as an FCC regulated entity. Providing a detailed account of Musk, his companies and DOGE’s contacts with the FCC will provide the public with a better understanding of the issues raised by such a relationship. Thus far, the FCC has produced only one email sent by Carr.²⁷ It concerns how the FCC should respond to press questions concerning embedded DOGE employees. Carr’s email response is completely redacted. A search of the documents shows that Musk’s name appears nowhere in the FOIA documents produced thus far. SpaceX is mentioned only in a published FCC order provided as an attachment to an email and as part of an FCC radio

²⁵ See <https://e2.gov.cwtsatotravel.com/ThinkCAP/e2/loginHelp?execution=e1s1> (noting that the FCC uses E2 Solutions as its travel vendor).

²⁶ See E2 Solutions; UG20: Getting Started, Using the E2 Interface, Release 24.4, January 2025, at 84, available at https://e2.gov.cwtsatotravel.com/help/ug/ets2_ug20_getting_started.pdf. The manual notes that: “E2 allows searchable access to indexed and archived travel transaction information (including receipts attached to authorizations and vouchers) for six years and three months (75 months) from the date of the paid voucher.”

²⁷ Exhibit 1, Bates No. 002517.

database, also attached to an email. Starlink’s name appears only in an FCC published order attached to an email.

12. Plaintiffs requested all records related to the hiring of DOGE staffers at the Commission. Specifically, “All documents relating to the hiring of DOGE Team members or any other Schedule C or non-career Senior Executive Service (SES) or Senior Level (SL) employees to be placed within the FCC, including but not limited to the hiring of special government employees.” ECF No. 1 at 12–18.

13. In this case, the FCC has provided some records related to the hiring of DOGE employees but appears to have omitted all records pertaining to their employment approval status, including whether they complied with the Commission’s security suitability or ethics requirements. One example of this is the fragmented records provided for Tarak Makecha. According to the documents provided, Makecha was detailed to the FCC from the Office of Personnel Management (OPM) as a DOGE detailee on or about March 17, 2025.²⁸ During his approximately two weeks at the Commission, Makecha apparently requested – and received – a substantial amount of information from Commission staff including broadband mapping data and detailed personnel records regarding Commission employees.²⁹ However, there is no evidence that Makecha was ever actually “onboarded” to the Commission or cleared required security or ethics checks prior to receiving such information. For example, in a March 17, 2025, email, Makecha complains about the pace of his ethics clearance and states that: “At the end of the day all I need is badge/laptop so I can get FCC data and support FCC leadership in execution.

²⁸ See, e.g. Exhibit 1, Bates No. 002521.

²⁹ See, Exhibit 1, Bates No. 002816.

Whatever the fastest way to get the badge/laptop I am happy to support.”³⁰ One of the attachments to this email is labeled “Part 19 Blank FCC Financial Interests Certification Form – updated 6 Jan 2016 - Makecha signed.” The copy of that form provided to Plaintiffs as an attachment to that email is blank,³¹ although it appears that the Commission provided a copy of the completed form in an earlier production.³² That form indicated that Makecha currently holds “financial interests in a corporation, company, firm, mutual fund, trust or other business enterprise.”³³ Notwithstanding the fact that Makecha made that declaration, the Commission provided no additional information about approval of that form or, in the alternative, an ethics agreement, recusal, or divestitures required to bring Makecha into compliance with the ethics requirements of the Communications Act³⁴ and those administered by the Office of Government Ethics.³⁵ In fact, the only evidence that Makecha even received permission to access Commission premises came in the form of a skeletal March 18, 2025, email from David Yarbrough, Security Specialist, FCC Security Operations Center, to several FCC staffers stating that: “Tarak Makecha’s preliminary adjudication has been approved, and the new hire can start working at the FCC.”³⁶ The FCC “Ethics Approval” email was copied on this exchange but nothing further was provided. This omission raises concerns, because Makecha provided a Public Financial Disclosure Report (Form 278) to the Office of Personnel Management on February 28,

³⁰ Exhibit 1, Bates No. 002790.

³¹ Exhibit 1, Bates No. 002793.

³² Exhibit 1, Bates No. 000035.

³³ Id.

³⁴ 47 U.S.C. § 154(b)(2)(A).

³⁵ See, e.g. 5 C.F.R. §2635, Subpart D.

³⁶ Exhibit 1, Bates No. 000014-15.

2025, stating that he owned between \$50,000 and \$100,000 of stock in Telsa, Inc., as well stock in The Walt Disney Co. (owner of the ABC Television Network) and the Fidelity Telecommunications Portfolio (a telecommunications specific sector fund).³⁷

14. Less than 2 weeks later, on April 1, 2025, Adam Candeub, FCC General Counsel, sent Makecha an email stating that: “As we discussed and you requested two weeks ago, we will be ending your gratis service as a Special Government Employee (SGE) to the FCC.”³⁸ The failure of the FCC to provide any of the requested documents regarding his actual employment status and whether he was “onboarded” does not allow Plaintiffs to ascertain whether he was ever entitled to receive or further disseminate the information he requested.³⁹

15. Thus far, the Defendant has sought to delay document production, and when pressed by this Court to act, Defendant has produced only sanitized email threads. The evidence clearly demonstrates that the FCC has acted in bad faith by withholding documents responsive to Plaintiffs’ FOIA request. The Court should not accede to the FCC’s effort to delay. Instead, the Court should order the limited discovery requested to complete the record, so that the parties can submit briefs and the Court can decide the merits on cross-motions for summary judgment.

³⁷ <https://www.documentcloud.org/documents/25950476-makecha-tarak-n-od-new-entrant-278-2025-2025-03-20/?mode=document>

³⁸ Exhibit 1, Bates Nos. 003251-3252.

³⁹ Similarly, David LaCerte, who in a March 17, 2025, email to, inter alia, Adam Candeub, wrote, “Hi Adam, is there anything requiring an ethics clearance prior to beginning work? I still haven’t cleared ethics as a day one employee, so perhaps it’s time to modernize the process.” No documentation has been presented concerning LaCerte’s onboarding or ethics clearance. Exhibit 1, Bates No. 002790.

ARGUMENT

16. The Freedom of Information Act was enacted to provide a statutory right to public access to documents and records held by agencies of the federal government.⁴⁰ "As such, FOIA embodies a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language.⁴¹ "Government transparency is critical to maintaining a functional democratic polity, where the people have the information needed to check public corruption, hold government leaders accountable, and elect leaders who will carry out their preferred policies. Consequently, FOIA was enacted to facilitate public access to [g]overnment documents by establish[ing] a judicially enforceable right to secure [government] information from possibly unwilling official hands."⁴²

17. Typically, FOIA actions are resolved without discovery.⁴³ However, Courts have allowed discovery in FOIA cases where there is a credible suggestion that the agency has acted in bad faith or has failed to conduct an adequate search.⁴⁴ Here, Plaintiffs have provided irrefutable evidence that the Defendant's search was inadequate. A failure to search goes to the heart of how that request was processed and therefore constitutes the sort of bad faith which

⁴⁰ *Pratt v. Webster*, 218 U.S. App. D.C. 17, 673 F.2d 408, 413 (D.C. Cir. 1982).

⁴¹ *Id.* See also *Dep't of the Interior and Bureau of Indian Affairs v. Klamath Water Users Protective Assn.*, 532 U.S. 1, 7-8, 121 S. Ct. 1060, 149 L. Ed. 2d 87 (2001) (noting that the basic objective of FOIA is disclosure, not secrecy).

⁴² *Transgender Law Ctr. v. Immigration & Customs Enf't*, 46 F.4th 771, 779 (9th Cir. 2022) citing *Hamdan v. United States DOJ*, 797 F.3d 759, 769-70 (9th Cir. 2015).

⁴³ *Voinche v. FBI*, 412 F. Supp. 2d 60, 71 (D.D.C. 2006). See also *Pub. Citizen Health Research Group v. FDA*, 997 F. Supp. 56, 72 (D.D.C. 1998) ("Discovery is to be sparingly granted in FOIA actions.").

⁴⁴ See, *Robert Julien Family Del. Dynasty Tr. v. IRS*, No. 23-CV-80756-RLR/BER, 2024 U.S. Dist. LEXIS 29758, at *4 (S.D. Fla. Feb. 19, 2024) citing *Citizens for Resp. & Ethics in Wash. v. U.S. Dep't of Just.*, No. CIV. 05-2078(EGS), 2006 U.S. Dist. LEXIS 34857, 2006 WL 1518964, at *3 (D.D.C. June 1, 2006).

prevents the Court from relying on the FCC's declarations. The Defendant has the burden to demonstrate that its search was reasonably calculated to uncover all relevant documents. The courts have stated that agencies must demonstrate adequacy of a search "beyond material doubt" or "beyond a material doubt."⁴⁵ Requiring Defendant to meet the "beyond material doubt" standard ensures that the "adequacy of an agency's search for requested documents is judged by a standard of reasonableness."⁴⁶ This approach properly places a concrete burden of proof on the government, requiring an agency to show that it has undertaken all reasonable measures to uncover all relevant documents. This standard also gives teeth to the adequacy standard by preventing agencies from blithely asserting adequacy without backing up such an assertion.

18. In *Comptel* the Court explained the standard as follows: "To satisfy its burden to show the applicability of an exemption, an agency may rely on detailed affidavits, declarations, a *Vaughn* index, in camera review, or a combination of these tools.⁴⁷ A *Vaughn* index in combination with agency declarations is the typical way agencies provide courts with the information required. A *Vaughn* index correlates each withheld document, or portion thereof, with a particular FOIA exemption and the justification for nondisclosure.⁴⁸ While agency affidavits are accorded a presumption of good faith,⁴⁹ they must " 'provide a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and

⁴⁵ See, e.g., *Miccosukee Tribe of Indians of Fla. v. United States*, 516 F.3d 1235, 1248 (11th Cir. 2008); *Morley v. CIA*, 508 F.3d 1108, 1114, 378 U.S. App. D.C. 411 (D.C. Cir. 2007); *Miller v. Dep't of State*, 779 F.2d 1378, 1383 (8th Cir. 1985); *Transgender Law Ctr. v. Immigration & Customs Enf't*, 46 F.4th 771, 779 (9th Cir. 2022).

⁴⁶ *Miller*, 779 F.2d at 1383 (citing *Weisberg v. Dep't of Just.*, 705 F.2d 1344, 1351, 227 U.S. App. D.C. 253 (D.C. Cir. 1983)).

⁴⁷ *Comptel v FCC*, 910 F.Supp.2d 100 (D. D.C, 2012).

⁴⁸ *Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C.Cir.1973).

⁴⁹ *SafeCard Servs., Inc. v. SEC*, 926 F.2d 1197, 1200 (D.C.Cir.1991).

correlating those claims with the particular part of a withheld document to which they apply.' "⁵⁰ The agency should "disclose as much information as possible without thwarting the exemption's purpose."⁵¹ Again, " 'conclusory and generalized allegations of exemptions' are unacceptable."⁵²

19. In support of its response Defendant has not provided any affidavits or declarations by persons connected to the search. Its *Vaughn* index, Exhibit 2 hereto, lacks the specificity required by FOIA and the Courts, and fails to address segregability of documents. While Plaintiffs will contest the FCC's claimed exemptions at a later stage of this litigation, Defendant's paucity of justification for its broad-based assertions in the Vaughn Index is further evidence of its bad faith.

20. The FCC has failed to meet its burden of demonstrating the adequacy of its search beyond a material doubt. An agency search is inadequate when the record itself reveals "positive indications of overlooked materials."⁵³ In this case, the evidence abounds with instances of overlooked materials. FCC Chairman Carr took at least eight trips to Musk Affiliated Entities during the FOIA search request period. He posted evidence of those trips, including photographs on his social media account, yet not a single document was produced in response to Plaintiffs' FOIA request. We know that the parties communicated by text, yet not a single text message was produced or identified in the *Vaughn* index. Documents, including ethics compliance, concerning the onboarding DOGE employees at the FCC are almost completely missing. So many missing

⁵⁰ *Judicial Watch v. FDA*, 449 F.3d 141, 146 (D.C.Cir.2006) (citation omitted); see also *EPA v. Mink*, 410 U.S. 73, 86, 93 S.Ct. 827, 35 L.Ed.2d 119 (1973).

⁵¹ *Hall v. Dep't of Justice*, 552 F.Supp.2d 23, 27 (D.D.C.2008) (quoting *King v. Dep't of Justice*, 830 F.2d 210, 224 (D.C.Cir.1987)).

⁵² *Morley v. CIA*, at 1115 (D.C.Cir.2007) (citations omitted); see also *Vaughn*, 484 F.2d at 826."

⁵³ *Valencia-Lucena v. United States Coast Guard*, 336 U.S. App. D.C. 386, 180 F.3d 321, 327 (1999).

or unidentified documents places the FCC's good faith in conducting a search for responsive documents into serious question and demonstrates the need for discovery in this proceeding.

CONCLUSION

21. The FCC has had a year and numerous opportunities to respond to Plaintiffs' FOIA request. It has not conducted its search for responsive documents in good faith. Instead, it has sought to delay the production of responsive documents and obfuscate their existence. Accordingly, Plaintiffs request that the Court order a narrow set of discovery requests consisting of interrogatories, requests for admission, requests for production and depositions. Such discovery will speed the document production process by helping the Plaintiffs identify responsive documents and limit the production of unnecessary, nonresponsive and repetitive documents.

By: /s/ Arthur Belendiuk
Arthur V. Belendiuk
D.C. Bar No. 336768
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W., #301
Washington, D.C. 20016
(202) 363-4559

Dated: February 9, 2026

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NINA BURLEIGH,)
FREQUENCY FORWARD)
Plaintiffs,)
FEDERAL COMMUNICATIONS COMMISSION) Civil Action No. 25-1268 (ABJ)
Defendant.)

)

EXHIBITS

EXHIBIT 1

Daniel Daly

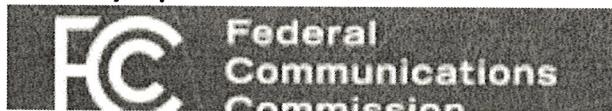
From: Vicky Torres
Sent: Tuesday, March 18, 2025 11:46 AM
To: Shanelqua Godfrey; David Yarborough
Cc: Ellen Standiford
Subject: RE: Employee New Hire (Chairman's Office Detail)

Ok, thank you.

From: Shanelqua Godfrey
Sent: Tuesday, March 18, 2025 11:43 AM
To: Vicky Torres ; David Yarborough
Cc: Ellen Standiford
Subject: RE: Employee New Hire (Chairman's Office Detail)

(b) (2)

Shanelqua Godfrey
Security Specialist
Shanelqua.Godfrey@fcc.gov
Phone 202-418-2894
Unclass Fax: 202-418-1092
Security Operations Center



From: Vicky Torres <Vicky.Torres@fcc.gov>
Sent: Tuesday, March 18, 2025 11:38 AM
To: David Yarborough <David.Yarborough@fcc.gov>
Cc: Ellen Standiford <Ellen.Standiford@fcc.gov>
Subject: RE: Employee New Hire (Chairman's Office Detail)

Hi David,

(b) (2)

Thanks!
Vicky

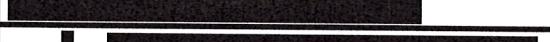
From: David Yarborough <David.Yarborough@fcc.gov>
Sent: Tuesday, March 18, 2025 11:22 AM
To: Vicky Torres <Vicky.Torres@fcc.gov>; Lauren Northrop <Lauren.Northrop@fcc.gov>; Ethics Approvals <Ethics.Approvals@fcc.gov>
Cc: Shanelqua Godfrey <Shanelqua.Godfrey@fcc.gov>; Raenell Drafts <Raenell.Drafts@fcc.gov>; ITIIS-NOC <ITIIS-NOC@fcc.gov>

Subject: Employee New Hire (Chairman's Office Detail)

Importance: High

Tarak Makecha's preliminary adjudication has been approved, and the new hire can start working at the FCC.
(b) (2)



V/r,

David Yarborough
Security Specialist
Federal Communications Commission
Security Operations Center (SOC), Room 4.145
202-418-7884 or 7762 (Phone)



• Federal Communications Commission
Washington, DC 20554

Financial Interests Certification

- I have received copies of the following documents, have read and understand each one:
 - Standards of Ethical Conduct for Employees of the Executive Branch, and particularly:
 - 5 CFR 2635, Subpart D (Conflicting Financial Interests)
 - 5 CFR 2635, Subpart E (Impartiality in Performing Official Duties)
 - Supplemental Standards of Ethical Conduct for Employees of the Federal Communications Commission (5 CFR 3901)
 - Supplemental Financial Disclosure Requirements for Employees of the Federal Communications Commission (5 CFR 3902)
 - Federal Communications Commission Employee Responsibilities and Conduct (Title 47, Chapter 1, Part 19, 19.735-101 through 203 (particularly §202))
- In order to assure my compliance with these regulations and to facilitate any necessary conflict of interest determination for financial interests held by myself, my spouse, or minor children, I certify that I and/or my family (check one):

DO currently hold financial interests in a corporation, company, firm, mutual fund, trust or other business enterprise.

DO NOT currently hold financial interests in a corporation, company, firm, mutual fund, trust or other business enterprise.

- I understand that this certification covers all interests, and is not limited to entities considered to be communications-related.
- I have also received a copy of the FCC Directive, FCC Instruction 1139.1, "*Management of Non-Public Information*" and understand my obligation to become familiar with and follow the procedures contained in this directive.

**Applicant's Name
(printed)**

Tarak Makecha

4g3 Volunteer Expert, OCH

This block is for OGC use only.

Applicant's Signature

TARAK MAKECHA

Digitally signed by TARAK
MAKECHA
Date: 2025.03.17 13:57:34 -04'00'

Date

03/17/2025

FCC Office of General Counsel Approval

**OGC Ethics Official
Name & Title**

Lauren Northrop, Ethics Program Manager

Signature

Lauren Northrop

Digitally signed by Lauren
Northrop
Date: 2025.03.26 12:46:50 -04'00'

Date

03/26/2025

From: Greg Watson
To: Will Wiquist; Brendan Carr; Scott Delacourt
Cc: Adam Jackman
Subject: RE: Press Inquiries - 4/7/25 Morning
Date: Monday, April 7, 2025 12:37:00 PM

Tarak and Jordan are the two who I recall signing the papers and fully onboarding. Jacob Altik is the one who I was under impression never fully on-boarded. In any event, I just confirmed that all 3 are indeed listed in the FCC directory.

I agree with recommendation to ignore but for awareness -- FTC did take a different approach last week in this Axios piece where they apparently confirmed the identity of their DOGE people and said their work would be focused "to root out waste, fraud, and abuse at the FTC and trying to make it more efficient."

<https://wwwaxios.com/pro/tech-policy/2025/04/04/doe-staffers-move-into-ftc-office>

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Monday, April 7, 2025 12:11 PM
To: Brendan Carr <Brendan.Carr@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: RE: Press Inquiries - 4/7/25 Morning

(b) (5) [REDACTED]

From: Brendan Carr <Brendan.Carr@fcc.gov>
Sent: Monday, April 7, 2025 11:58 AM
To: Will Wiquist <Will.Wiquist@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: RE: Press Inquiries - 4/7/25 Morning

(b) (5) [REDACTED]

From: Will Wiquist <Will.Wiquist@fcc.gov>
Sent: Monday, April 7, 2025 11:27 AM
To: Brendan Carr <Brendan.Carr@fcc.gov>
Cc: Greg Watson <Gregory.Watson@fcc.gov>; Adam Jackman <Adam.Jackman@fcc.gov>
Subject: Press Inquiries - 4/7/25 Morning

Please see the inquiries below from this morning/over the weekend.

SNL Profanity

Deadline – Ted Johnson <tjohnson@deadline.com> (link to video of what happened)

Daniel Daly

From: Adam Candeub
Sent: Monday, March 17, 2025 12:34 PM
To: Fox, Joshua EOP/DOGE; Scott Delacourt; Natalie Martinez; (b) (6) Tarak Makecha; Wick, Jordan M. EOP/DOGE; Ellen Standiford
Cc: Dana Howell
Subject: RE: Process for onboarding to FCC
Attachments: Part 19.Blank FCC Financial Interests Certification Form - updated 6 Jan 2016.pdf

Hi Joshua and Tarak,

I think there's been a some confusion about matters, and I'd like to resolve it. When Tarak contacted me on Thursday, I understood him to be setting up introductory meetings. That's all that we arranged to happen on Tuesday; getting on-boarded on Tuesday is not feasible unfortunately.

If you'd like to get on-boarded as either a detailee or unpaid volunteer, there are, *hélas!*, some procedural hoops. First, we need from both of you a Part 19 form (attached) and a resume to conduct ethics and SOC checks. Second, if you want the FCC to pay you, we have to figure out some reimbursement mechanism, as I outlined in my email to Ms. Golovkina. I believe that is all that is required, but as would any good bureaucrat, I reserve the right to ask for additional forms if they turn out to be necessary. ☺ If you wish, we can have you meet tomorrow with personnel to review on-boarding.

I certainly appreciate and am grateful for your enthusiasm and please be assured that we are doing everything to move as expeditiously as possible given our legal framework.

I look forward to meeting you in person tomorrow.

Sincerely, Adam

From: Fox, Joshua EOP/DOGE
Sent: Monday, March 17, 2025 10:49 AM
To: Scott Delacourt ; Adam Candeub ; Natalie Martinez ; (b) (6) Tarak Makecha; Wick, Jordan M. EOP/DOGE
Cc: Dana Howell
Subject: RE: Process for onboarding to FCC

Scott,

Hope you had a nice weekend! Following up to ensure all is good with Jordan's onboard. Happy to assist as needed.

Thanks,
Josh

From: Scott Delacourt <Scott.Delacourt@fcc.gov>
Sent: Friday, March 14, 2025 5:58 PM
To: Fox, Joshua EOP/DOGE (b) (6) ; Adam Candeub <Adam.Candeub@fcc.gov>; Natalie Martinez <Natalie.Martinez@fcc.gov>; (b) (6) Tarak Makecha; Wick, Jordan (b) (6) EOP/DOGE (b) (6)

Kristi Thompson

From: Makecha, Tarak (b) (6)
Sent: Thursday, March 13, 2025 1:33 AM
To: Adam Candeub
Cc: Wick, Jordan (b) (6); EOP/DOGE; Scott Delacourt; Greg Watson
Subject: Re: Process for onboarding to FCC

You don't often get email from (b) (6). [Learn why this is important](#)

Let's go with Friday or Monday when we can have a chance to meet all the key people. Just let me know what works best based on everyone's calendar.

Looking forward to it...

Get [Outlook for iOS](#)

From: Adam Candeub <Adam.Candeub@fcc.gov>
Sent: Wednesday, March 12, 2025 11:10:05 PM
To: Makecha, Tarak (b) (6) >
Cc: Wick, Jordan (b) (6); EOP/DOGE (b) (6); Scott Delacourt <Scott.Delacourt@fcc.gov>; Greg Watson <Gregory.Watson@fcc.gov>
Subject: FW: Process for onboarding to FCC

Hi Tarak,

Responding to your text, below is the email chain reflecting the last interaction we had with DOGE. Scroll to the end, and it contains instructions re: onboarding. I am cc-ing Scott Delacourt who can provide more additional info.

As I said in my text, I'd be happy to introduce you to people tomorrow. You requested to meet Scott, Greg, Ellen Standiford as well as Sunny Diemart.

My afternoon is pretty jammed, but if you could come around 10:30 I could certainly introduce you to some, if not all, of the people on your list. I just can't speak to everyone's availability at this time.

Alternatively, you could come Friday or Monday and I could arrange a schedule which would ensure that you could meet with everyone in a timely way.

Let me know how to proceed. Thanks so much and looking forward to working with you, Adam

From: Scott Delacourt <Scott.Delacourt@fcc.gov>
Sent: Friday, February 28, 2025 3:28 PM
To: Lindemann, Kendall (b) (6); EOP/DOGE (b) (6)
Cc: Gleason, Amy (b) (6); EOP/DOGE (b) (6); Ellen Standiford <Ellen.Standiford@fcc.gov>; Greg

Daniel Daly

From: Makecha, Tarak (b) (6)
Sent: Monday, March 17, 2025 2:09 PM
To: Adam Candeub; LaCerte, David; Golovkina, Marina A.; Sylke, Kimberly D.; Pettit, John
Cc: Ellen Standiford; Scott Delacourt
Subject: RE: on-boarding outstanding
Attachments: Part 19.Bank FCC Financial Interests Certification Form - updated 6 Jan 2016
_MakechaSigned.pdf; Makecha, Tarak Resume.pdf

You don't often get email from (b) (6). [Learn why this is important](#)

My resume and signed form are attached. Re: reimbursement, I'll follow whatever direction. But from my perspective who pays for my time doesn't really matter – it is all cost neutral to the taxpayer, and in reality cost negative because 1) we spend time to try and figure it out 2) lose time bringing DOGE to support which helps reduce costs.

At the end of the day all I need is a badge/laptop so I can get FCC data and support FCC leadership in execution. Whatever the fastest way to get the badge/laptop I am happy to support.

From: Adam Candeub
Sent: Monday, March 17, 2025 1:44 PM
To: LaCerte, David ; Golovkina, Marina A. ; Makecha, Tarak N. ; Sylke, Kimberly D. ; Pettit, John
Cc: Ellen Standiford ; Scott Delacourt
Subject: RE: on-boarding outstanding

Hi David, Happy to talk about modernizing the process. Let's go offline and set up a good time.

From: LaCerte, David (b) (6)
Sent: Monday, March 17, 2025 1:34 PM
To: Golovkina, Marina (b) (6) ; Adam Candeub <Adam.Candeub@fcc.gov>;
Makecha, Tarak (b) (6) ; Sylke, Kimberly (b) (6) ; Pettit, John (b) (6)
Cc: Ellen Standiford <Ellen.Standiford@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>
Subject: Re: on-boarding outstanding

Hi Adam, is there anything requiring an ethics clearance prior to beginning work? I still haven't cleared ethics as a day one employee, so perhaps it's time to modernize the process.

Happy to talk it out

Get [Outlook for iOS](#)

From: Golovkina, Marina (b) (6)
Sent: Monday, March 17, 2025 11:59:17 AM
To: Adam Candeub <Adam.Candeub@fcc.gov>; Makecha, Tarak (b) (6) ; Sylke, Kimberly (b) (6) ; Pettit, John (b) (6)
Cc: Ellen Standiford <Ellen.Standiford@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>; LaCerte, David

Kristi Thompson

From: Makecha, Tarak (b) (6)
Sent: Thursday, March 20, 2025 11:59 PM
To: Adam Candeub
Cc: Scott Delacourt
Subject: RE: access to databases/ a few bureaucratic matters

Thanks Adam. Based on our initial meetings at FCC, it seems that most DOGE support will be on de-regulation with Jake. Other projects including mapping with Jordan, contracts review with me and RIF support with me.

Given the relatively smaller scale of the contracts and headcount relative to other agencies, my need to access systems at FCC is less critical than originally anticipated. What this would look like is obtaining HR datasets in Excel and contract data via Excel with certain contract pdfs sent as needed through my OPM email.

Let me know your thoughts on this from a legal perspective. Based on that, let's then discuss the actions you laid out below.

From: Adam Candeub <Adam.Candeub@fcc.gov>
Sent: Thursday, March 20, 2025 12:04 PM
To: Makecha, Tarak (b) (6)
Cc: Scott Delacourt <Scott.Delacourt@fcc.gov>; Ellen Standiford <Ellen.Standiford@fcc.gov>; Kathleen Fulp <Kathleen.Fulp@fcc.gov>; Michele Ellison <Michele.Ellison@fcc.gov>
Subject: access to databases/ a few bureaucratic matters

Hi Tarak,

This is Adam. We met on Tuesday; I'm GC at the FCC. I am trying to streamline all of our legal requirements into the easiest possible way. If you have any issue re: access, forms, etc., just contact me and I'll take care of it. In addition, we probably should chat about some routine ethics matters concerning divestiture. I'm at (b) (6). I'm free now till 2. Then after 5 any time.

You asked for some personnel data—and alas there are some non-waivable legally required trainings.

1. Required training

We understand from the meetings yesterday that certain HR data and access to Genesis would be helpful for your purposes.

Before accessing Genesis or HR data or systems, please review the attached **SISR-System Owner Training**. While you are not the "owner" of these systems, reviewing this training will allow you to become familiar with the federal information security and privacy requirements that are applicable to the use of these systems and the data therein. Particularly with respect to all FCC information and systems that contain PII or are otherwise covered by the Privacy Act, please also be mindful of the relevant portions of the CSAT training you reviewed and received yesterday prior to getting your FCC equipment (also reattached here).

Second, please review and complete the attached **Records Management** training PDF.

Third, please review and complete the attached **Ethics Training PDF**. Government-wide ethics regulations require that this be completed within 3 months from the date of appointment.

Kristi Thompson

From: Makecha, Tarak [REDACTED] (b) (6)
Sent: Tuesday, April 1, 2025 10:42 PM
To: Adam Candeub; Scott Delacourt
Subject: Re: ending voluntary relationship

Yes. I'm still working the GSA side. Hence the question about timing. Let me know the latest point in time for off boarding. Alternative one if I haven't sorted GSA is to work the contracts through Jordan. Alternative two is send contracts through OPM.

From: Adam Candeub <Adam.Candeub@fcc.gov>
Sent: Tuesday, April 1, 2025 6:29:38 PM
To: Makecha, Tarak [REDACTED] (b) (6); Scott Delacourt <Scott.Delacourt@fcc.gov>
Subject: RE: ending voluntary relationship

Hi all,

Tarak, I'm happy to accommodate your request to stay on longer, but as you recognized earlier, the easiest path may be to end our relationship.

(b) (5)
[REDACTED]

But, if you want to continue the relationship, let me know. I'll see what can be done.

Thanks again!

Best, Adam

From: Makecha, Tarak [REDACTED] (b) (6)
Sent: Tuesday, April 1, 2025 5:29 PM
To: Adam Candeub <Adam.Candeub@fcc.gov>; Scott Delacourt <Scott.Delacourt@fcc.gov>
Subject: Re: ending voluntary relationship

Got it. When is the last day we have to make this decision? I have some contracts dialogue that is still ongoing.

Worst case I can have Jordan take that review on...

From: Adam Candeub <Adam.Candeub@fcc.gov>
Sent: Tuesday, April 1, 2025 5:02:15 PM

To: Makecha, Tarak [REDACTED] **(b) (6)** Scott Delacourt <Scott.Delacourt@fcc.gov>
Subject: ending voluntary relationship

Hi Tarak,

As we discussed and you requested two weeks ago, we will be ending your gratis service as a Special Government Employee (SGE) to the FCC. We will, of course, continue to work with you in your position at OPM—just as we are doing now and without any change. Ending our formal relationship FCC simply will end any further duties concerning FCC-specific employment responsibilities.

Let me know if this is still OK. If so, a formal letter ending your service will be forthcoming, and I thank you for your patience. More broadly, if there is anything else I can help you with, let me know.

Above all, thank you for your service to the FCC. It was great pleasure being your colleague, if only briefly. ☺

Warm regards, Adam

Adam Candeub
General Counsel
Federal Communications Commission

NON-PUBLIC -- FOR INTERNAL USE ONLY
PRIVILEGED and CONFIDENTIAL FCC DOCUMENT
ATTORNEY-CLIENT and/or ATTORNEY WORK PRODUCT PRIVILEGE

EXHIBIT 2

Burleigh v. FCC
Civil Action No. 25-cv-1268 (ABJ)
United States District Court for the District of Columbia
VUGHN INDEX

This Index consists of two sections. The first section indexes agency records that were released in part with redactions. The second section indexes agency records that were withheld in full.

SECTION I: INDEX OF RECORDS RELEASED IN PART

For convenience and ease of understanding, redacted records have been grouped together by category based on the content/purpose of the records. Each exemption that applies to one or more records within that category appears in the index below, along with a Bates number identifying the location of the redaction. The Bates numbered pages may appear more than once in the index to denote instances where the agency applied more than one exemption to material on that page.

Category Legend:

1. Communications regarding the onboarding and offboarding of personnel
2. Communications regarding press inquiries
3. Communications regarding *Delete, Delete, Delete* initiative
4. Communications regarding National Environmental Policy Act (NEPA) review process initiative
5. Communications regarding contract review initiative
6. Communications regarding workforce initiatives
7. Communications regarding interagency data sharing
8. Personally identifiable information and similar information regarding individuals
9. Email addresses of employees of federal executive agencies
10. Microsoft Teams meeting information

Category	FOIA Exemption / Privilege	Bates Numbers	Description
1 Communications regarding the onboarding and offboarding of personnel	Exemption 2	000003 000009 000010 000011 000013 000014 000015 000019 000021 000033 000034	Internal agency discussion solely regarding onboarding practices for DOGE team members to the FCC, including building visitor security protocols; badge procedures and requirements; computer access procedures; ethics clearance procedures; required forms and documentation to be submitted; and required trainings to be completed. Disclosure of this information will undermine the efficient functioning of the agency's onboarding processes and compromise FCC security.
Exemption 5 – Deliberative Process Privilege	000006 000008 000010 000011 000019 000036 000048		Inter- and intra-agency predecisional deliberations containing advice, opinions, proposals, and recommendations regarding the onboarding of DOGE team members to the FCC, including discussions about the timing for potential introductory meetings; the potential timing and agenda for onboarding meetings; and the appropriate type of employment designation for team members. Disclosure of this material would have a chilling effect on staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchanging views in the course of

			000049 000058 000063 000065 000071 000077 000091 000104 000105 002531 002535 002539 002540 002543 002547 002548 002559 002560 002561 002579	collaborating on and determining the manner in which to onboard federal employees. Such a chilling effect would degrade the quality of agency decisions.
	Exemption 5 – Attorney-Client Privilege	000005 000007 000021 000033 000034 000051 000052 000064 000070 002286 002587 002591 002592 002596 002597 002601 002602 002603 003251 003253	Confidential communications with FCC attorney's soliciting and providing legal advice regarding the onboarding of DOGE team members to the FCC, as well as the offboarnding of a DOGE team member. In these communications, FCC attorney's request information needed to provide legal advice and provide legal advice; FCC employees solicit legal advice and provide information in furtherance of seeking legal advice; and a DOGE employee solicits a legal opinion from the FCC and provides information in furtherance of providing legal advice in furtherance of the common interest in applying all applicable laws and rules to efficiently onboard government employees.	
	Exemption 5 – Deliberative Process Privilege		These communications are also inter- and intra-agency predecisional deliberations constituting advice, opinions, and recommendations regarding the onboarding of DOGE team members to the FCC as well as discussions of options regarding the offboarnding of a DOGE team member. The discussions include questions and advice regarding protocols to access agency information, ethics clearance, the appropriate type of employment designation for team members, and the manner in which to onboard and offboard federal employees.	

2 Communications regarding press inquiries	Exemption 5 – Deliberative Process Privilege	002517 002518	Internal agency predecisional discussion regarding press inquiries. The discussion includes staff recommendations for how to respond and the exchange of opinions and impressions regarding the underlying subject matter of a press inquiry.
3 Communications regarding <i>Delete, Delete, Delete</i> initiative	Exemption 5 – Deliberative Process Privilege	000060 000092 000096 000100 000103 000107 002609 002613 002662	<p>Disclosure of this material would have a chilling effect on agency staff making recommendations regarding the response to press inquiries, as well as on agency officials from providing initial opinions and reactions prior to deciding a final course of action, which would degrade the quality of agency decision-making. Further, disclosure of preliminary recommendations and discussions regarding a press response would result in confusion over any official agency position ultimately taken.</p>
	Exemption 5 – Attorney-Client Privilege	000118 000544 000545 000673 000674 002217 002223 002227 002231	<p>Inter- and intra-agency predecisional deliberations regarding the implementation of the agency's <i>Delete, Delete, Delete</i> deregulatory initiative, consistent with Executive Orders and DOGE's mandate. The discussions include advice and recommendations, including legal research; requests for initial impressions and updates; opinions and impressions regarding tools to potentially implement deregulatory efforts; and discussions of what factors and specific data points to consider in deregulatory review process.</p> <p>Disclosure of this material would create a chilling effect on the staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchanging views while planning and collaborating on implementing deregulation initiatives, as well as other presidential directives, which will degrade the quality of agency decision-making.</p> <p>Confidential communications with the FCC General Counsel and an FCC DOGE team member soliciting and exchanging information for the purpose of providing legal advice and recommendations regarding the implementation of the agency's <i>Delete, Delete, Delete</i> deregulatory initiative.</p> <p>These communications also constitute internal agency predecisional deliberations regarding the implementation of the agency's <i>Delete, Delete, Delete</i> deregulatory initiative, consistent with Executive Orders and DOGE's mandate. The discussions include advice and recommendations, including legal research; requests for initial impressions and updates; opinions and impressions regarding tools to potentially implement deregulatory efforts; and discussions of what factors and specific data points to consider in deregulatory review process.</p> <p>Disclosure of this material would create a chilling effect on the staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchanging views while planning and collaborating on implementing deregulation initiatives, as well as other presidential directives, which will degrade the quality of agency decision-making.</p>
4 Communications regarding National Environmental Policy Act (NEPA) review process initiative	Exemption 5 – Deliberative Process Privilege	000674 002217 002223 002231 002233	<p>Predecisional, internal agency communications between the FCC General Counsel and an FCC DOGE team member regarding DOGE's initiative on the NEPA review process, and a briefing sheet regarding the same. The discussion includes information about proposed and ongoing action related to NEPA reviews at the FCC and as part of the DOGE initiative generally; the solicitation and exchange of information from the FCC General Counsel for the purpose of providing legal input and oversight of the process, as well as an informal staff impression related to one aspect of the NEPA review process contained within the briefing sheet.</p>

		<p>Disclosure of this material would have a chilling effect on agency staff's ability to freely exchange views on the agency's ongoing NEPA modernization effort, to share information about this and related initiatives, and to propose actions that may not ultimately be enacted. It would further chill the ability of staff to share candid, informal impressions regarding NEPA review for the purpose of providing full context for decisionmakers. Such chilling effects would degrade the quality of agency decision-making. Further, these communications concern a matter in which a final decision has not yet been made; premature disclosure of non-final, preliminary deliberations could result in confusion or misinterpretation of the final decision.</p>
5 Communications regarding contract review initiative	Exemption 4 – Confidential Commercial / Financial Information 003292-003372	<p>Confidential commercial or financial information obtained from third party vendors associated with various agency contracts. The redacted information consists of specific unit pricing, i.e., cost per license, and quantity information, i.e., number of licensees. Pricing information is commercial in nature, and each vendor actually and customarily keeps this information confidential. Unit quantity information must similarly be redacted because it would effectively reveal the unit price when taken together with the publicly available total funding amount of each contract.</p> <p>Disclosure of this information would harm the contractor's commercial interests by providing an advantage to competitors whose similar unit pricing information is not disclosed. Further, disclosure would impede the FCC's ability to obtain similar information from these or other vendors.</p>

Exemption 5 – Deliberative Process Privilege	<p>003162 003163 003164 003166 003167 003168 003169 003170 003171 003172 003173 003174 003175 003177 003179 003181 003183 003189 003191 003193 003194 003196 003199 003204 003205 003206 003214 003247 003288 003290 003374 003375 003376 003378 003380 003381 003382 003402 003417 003421 003514 003519 003523 003529 003533 003541</p>
	<p>The disclosure of such information would have a chilling effect on the ability of the FCC staff and staff at other federal executive agencies to frankly and candidly exchange views and make recommendations in preparing to implement the contract review initiative, as well as other presidential directives, without concern that such information could be disclosed prior to a decision being reached and would cause strained relationships with vendors due to speculation.</p>

<p>6 Communications regarding workforce initiatives</p>	<p>Exemption 5 – Deliberative Process Privilege Exemption 5 – Attorney-Client Privilege</p> <p>002801 002817 002870 002871 002872 002874 002876 002878 002879 002881 002882 002883 002885 002887 002888 002889 002891 002892 002893 002895 002897 002898 002900</p>	<p>The disclosure of this material would chill the ability of FCC staff and staff of other federal executive agencies to frankly and candidly exchange views and make recommendations in preparing to implement workforce initiatives, which implicate sensitive personnel matters, and similar presidential directives.</p>
<p>7 Communications regarding interagency data sharing</p>	<p>Exemption 5 – Deliberative Process Privilege</p> <p>002608 002670 002672 002676 002681 002683 002684 002687 002689 002690 002695 002697 002698 002702 002703 002704 002705 002706 002711 002713 002714 002715 002716</p> <p>Predecisional inter- and intra-agency discussion exploring how and whether to share data across agencies in response to Executive Order 14243 on eliminating information silos, prior to any determination being reached. The material also includes internal agency discussions and Teams chats regarding the Broadband Data Collection effort relating to EO 14243 and the DOGE initiative. The redacted communications constitute advice, opinions, and recommendations regarding how and whether to share data across agencies, factors and data to consider, and agencies to include in potential outreach efforts.</p> <p>Disclosure would further have a chilling effect on staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchange views while collaborating on the data sharing effort and similar initiatives without concern that such information could be disclosed prior to a decision being reached.</p>	

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8 Personally identifiable information and similar information regarding individuals	Exemption 6	000001 000002 000009 000017 000018 000020 000023	Personally identifiable information of individuals, including signatures, dates of birth, social security numbers, as well as similar information regarding individuals, such as personal email addresses, personal addresses, personal phone numbers, and information concerning an employee's leave schedule. There is a significant privacy interest in this sensitive personal information because its release would foreseeably result in substantial personal disruption, including harassment, identity theft, or fraud.

000029	Further, there is no public interest in the personal information of individuals, which sheds no additional light on the conduct of agency business or government activity. The significant privacy interest outweighs the lack of any public interest in this information.
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9 Email addresses of employees of other federal executive agencies	Exemption 6	<p>Email address domains for employees of certain federal executive agencies, as identified through the interagency consultation process.</p> <p>These employees have a substantial privacy interest in their individual agency email addresses, particularly in light of a pattern of doxxing, threats, intimidation, and harassment against employees involved in DOGE initiatives, identified through the interagency consultation process. Therefore, it is reasonably foreseeable that the release of the email addresses would lead to harassment and intimidation of certain employees. Further, there is no public interest in the email addresses of these employees. The full names of the federal employees are released on these pages, so the public is aware of the identities of the participants in the email exchanges. Releasing their actual email addresses does not offer any further insight into the nature of the communications or of any performance of the agency's statutory duties. The significant privacy interest outweighs the lack of any public interest in these email addresses.</p>
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<p>10 Microsoft Teams meeting information</p>	<p>Exemption 6</p>	<p>003379 003380 003381</p>
<p>The redacted information consists of specific Microsoft Teams meetings information, including meeting password, ID, and dial-in information.</p> <p>There is a substantial privacy interest in this information because disclosure of virtual meeting credentials would enable unauthorized access to individuals' teleconferencing platforms. Further, there is no public interest in the meeting credentials. Any available substantive information regarding the meetings, such as subject, date, or invitees, has not been redacted. Releasing the actual meeting credentials does not offer any further insight into the nature of any government or agency activity. The significant privacy interest therefore outweighs the lack of any public interest in this information.</p> <p>000579 000580 000583 000584 000587 000588 000591 000592 000598 000599 000602 000603 000606 000607 000610 000611 000614 000615 000618 000619 000622 000623 000635 000636 000640 000641 000644 000645 000648 000651 002224 002228 002779 002780 002783 002784 003059 003133 003270 003272 003415</p>		

SECTION II: INDEX OF RECORDS WITHHELD IN FULL

Bates Numbers	Document Title	FOIA Exemption / Privilege	Date of Transmitting Email/Communication	Description
000080 000081 000082 000083 000084 000085 000086 000087 000088 000089	Confidential Financial Disclosure Report (attachment to 000078)	Exemption 3(A) 5 U.S.C. § 13109(a)(2)	03/05/2025 (document itself dated 03/04/2025)	5 U.S.C. § 13109(a)(2) provides that any information required to be provided by an individual as part of a financial disclosure report prescribed by a supervising ethics office shall be confidential and shall not be disclosed to the public. This document is the filed-out confidential financial disclosure report for Jordan Wick, one of the DOGE team members onboarded to the FCC, and it is prohibited from being disclosed by a federal statute.
000090 000097 000098	DFR Template (attachment to 000096)	Exemption 5 – Deliberative Process Privilege	03/18/2025	Internal and intra-agency predecisional deliberations regarding the implementation of the agency's <i>Delete, Delete, Delete</i> deregulatory initiative, consistent with Executive Orders and DOGE's mandate. This record includes a non-final draft template for a deregulatory order.
000099	Memorandum Template (attachment to 000096)	Exemption 5 – Deliberative Process Privilege	03/18/2025	Disclosure of this material would create a chilling effect on the staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchanging views on how to implement the deregulation initiative, as well as other presidential directives, which will degrade the quality of agency decision-making.
000117	FCC ARRP Phase 2 – May Update (attachment to 000116)	Exemption 5 – Deliberative Process Privilege	05/15/2025	Predecisional inter-agency communication regarding the implementation of Executive Orders 14210 and 14151 related to workforce matters, prior to any final decision being reached. The withheld record consists of non-finalized data estimates.

				notes on proposed action, and staff assessment of potential data points to consider.
000119 to 000543	Attachment: fcc_orders.csv (attachment to 000118)	Exemption 5 – Deliberative Process Privilege	03/27/2025	The disclosure of this material would chill the ability of FCC staff and staff of other federal executive agencies to frankly and candidly exchange views and make recommendations in preparing to implement workforce initiatives, which implicate sensitive personnel matters, and similar presidential directives.
000675 to 001629	Attachment: FCC_orders_things2.csv (attachment to 000674)	Exemption 5 – Deliberative Process Privilege	4/28/2025	This document was compiled to inform the decision-making process on whether to rescind rules pursuant to the Delete, Delete, Delete initiative. The type of data compiled reveals the specifics of the proposed potential use of the data, if shared. If shared, this data could chill staff's freedom to propose ideas and further rules to be rescinded as part of the initiative.
				Disclosure of this material would create a chilling effect on the staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchanging views while planning and collaborating on implementing deregulation initiatives, as well as other presidential directives, which will degrade the quality of agency decision-making.
002156 to 0002214	Attachment: NEPA_NPRM – OCH – 4.25.25 OGC.docx (attachment to 000674)	Exemption 5 – Deliberative Process Privilege	4/28/2025	This document was compiled to inform the decision-making process on whether to rescind rules pursuant to the Delete, Delete, Delete initiative. The type of data compiled reveals the specifics of the proposed potential use of the data, if shared. If shared, this data could chill staff's freedom to propose ideas and further rules to be rescinded as part of the initiative.
				Disclosure of this material would create a chilling effect on the staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchanging views while planning and collaborating on implementing deregulation initiatives, as well as other presidential directives, which will degrade the quality of agency decision-making.
				This attachment is a pre-decisional draft notice of proposed rule-making (NPRM) on modernizing NEPA rules.
				Disclosure of this material would have a chilling effect on agency staff's ability to freely exchange views on the agency's ongoing NEPA modernization effort, to share information about this and related initiatives, and to propose actions that may not ultimately be enacted. It would further chill the ability of staff to

002628 to 002661	Attachment: FCC Phase II Agency RIF and Reorganization Plan (attachment to 002619)	Exemption 5 – Deliberative Process Privilege	5/15/2025	<p>The withheld material consists of a draft internal planning document that was then—and remains today—predeliberative in nature. The document reflects proposals, recommendations, and preliminary analyses that have not been finalized nor implemented. It includes sensitive internal information regarding agency organizational structure, including department-level staffing figures, as well as proposed cost-cutting and efficiency measures, including potential elimination, consolidation, or changes to positions. Disclosure would reveal the agency's internal deliberative processes and expose sensitive nonpublic operational details.</p> <p>The FCC's Phase II Agency RIF and Reorganization Plan, which it represents a draft plan that has not been finalized and/or implemented</p>
002732 to 002736	Attachment: FCC_GEO Proposed Collaboration_4_2_2025 (attachment to 002723)	Exemption 5 – Deliberative Process Privilege	4/2/2025	<p>This document is a proposal preceding any final interagency decision on the proposed collaboration between FCC and Census, making it both predeliberative and deliberative. The parent email also indicates it is a non-final draft, because the author seeks input and feedback on the document.</p> <p>The document contains a proposal exploring how and whether to share data across agencies in response to Executive Order 14243 on eliminating information silos.</p> <p>This document constitutes internal and intra-agency predeliberational deliberations constituting advice, opinions, and recommendations regarding how and whether to share data across agencies prior to any determination being reached.</p> <p>Disclosure of this information would have a chilling effect on the ability of the FCC to engage in either interagency and intra-agency discussions about matters of policy and agency action without concern that such information could be disclosed prior to a decision being reached. Disclosure would further have a chilling effect on staff at the FCC and other federal executive agencies from frankly and candidly proposing ideas and exchange views in the course of collaborating on important initiatives.</p>
002757	Attachment: Data Call.xlsx (attachment to 002746)	Exemption 5 – Deliberative Process Privilege	04/09/2025	<p>This predelisional, inter-agency communication includes information on data sets owned by the FCC and various other agencies, including information on the type of data and mission</p>

002808-002815	Apparent fraud, waste, and abuse of FCC-managed government funds and agency resources and attachment	Exemption 5 – Deliberative Process Privilege	03/28/2025	<p>This chart is identical to the one identified and withheld as Bates Number 003147, shared separately here as part of a different discussion on the same ongoing deliberations.</p> <p>This record reflects a pre-decisional, interagency communication from a staff member to a DOGE team member reporting alleged fraud, waste, and abuse; providing their recommendations and views on the matter; and requesting further investigation. The communication represents the independent views of a staff member raising an issue for deliberation.</p>
003217 – 3246	Attachment: FCC Data Files PP04CY25 (attachment to 003160)	Exemption 2	04/02/2025	<p>This record reflects the internal personnel rules and practices of the FCC. This is a chart that lists all FCC employees and personnel information, including: title, grade/step, job series code, salary, start date (EOD), Bargaining Unit status, date of appointment (NTE), Bureau/Office/Division, duty station location.</p> <p>Disclosure of this information about the agency's internal classifications will undermine the efficient functioning of the agency's internal personnel recording system. Furthermore, disclosure of this information could also undermine the FCC's enforcement activities by revealing information used to identify the designations and positions of particular field agents in the Enforcement Bureau.</p>
003066 - 3122	Attachment: Broadband Data Collection: Architectural and	Exemption 7(E)	03/18/25 (document itself updated 01/28/2024)	<p>This non-public document is a detailed explanation of the FCC's system and solution architecture, as identified by the cover sheet</p>

	System Design Documentation (attachment to 003062; the first three pages of the record have been produced as 003063-003065).		
003147	Attachment: Data Call.xlsx (attachment to 3146)	Exemption 5 – Deliberative Process Privilege	<p>04/09/2025</p> <p>This pre-decisional, inter-agency communication includes information on data sets owned by the FCC and various other agencies, including information on the type of data and mission use case, compiled to inform the decision-making process on whether to share data between the agencies for a potential FCC project. The chart is a preliminary draft of relevant data.</p> <p>The type of data compiled reveals the specifics of the proposed potential use of the data. If shared, this data could allow staff's freedom to propose new data-sharing opportunities and freely share information with other agencies for the purpose of making such decisions.</p> <p>This chart is identical to the one identified and withheld as Bates Number 002757, shared separately here as part of a different discussion on the same ongoing deliberations.</p>