



Erika Meyer <ekm@seastorm.com>

Status of Touhy Request, Subpoena Duces Tecum Mult. Co. Case No. 23CV20288

2 messages

Erika Meyer <ekm@seastorm.com>
To: usaor.webmaster@usdoj.gov

Mon, Oct 16, 2023 at 1:19 PM

Good Morning, I called earlier this morning, was directed to Nicole Smith on whose machine I left a voicemail. However, I often have problems with my phone in which the receiving side suddenly cannot hear me, so it's hard to know for certain if a voicemail is received. For this reason, I am following up the phone call with this email, as I'm trying to establish whether or not the FBI intends to respond to my Subpoena Duces Tecum Discovery Request which they received via certified and first class mail on August 4, 2023.

Before calling the US Attorney's office I called the Portland FBI office and was told that I had no option but to "wait for a phone call" from the FBI. Since it has already been more than 70 days since the FBI received these production requests, and this is my second follow up call with the FBI, I think it is unlikely they intend to respond to the request.

According to DOJ's published Justice Manual, Title 1, section 6.210

'When an employee or former employee receives a subpoena or other demand in a proceeding in which the United States is not a party, the regulations direct the employee or former employee, immediately upon receipt of the demand, to notify the office of the United States Attorney for the district in which the "issuing authority" is located. 28 C.F.R. § 16.22(b). If the individual is or was employed by a litigating component and the demand concerns the individual's work for the component, the individual should immediately notify the component's Touhy Officer, who in coordination with the individual, will notify the United States Attorney. The United States Attorney for the district where the "issuing authority" is located is responsible for taking the steps to ensure that the procedures in the regulation are followed.'

<https://www.justice.gov/jm/jm-1-6000-doj-personnel-witnesses#1-6.250>

See also <https://www.ecfr.gov/current/title-28/chapter-I/part-16/subpart-B>

I assume that the FBI is where the "Touhy Officer" would be located. Based on the regulations, I'm guessing the Touhy Officer would have contacted your office. In case they have not, I'm attaching the relevant paperwork to this email.

If one or the other agency has simply decided to ignore my subpoena, it would be helpful for me to know whether it was the FBI or the US attorney's office who has made this decision.

If there is an issue with the request that could be resolved via negotiation or narrowing, that would also be very useful information.

Thank you,

Erika Meyer
971-888-1202

3 attachments



IMG_20230802_134927968.jpg
1049K



2023-08-02_203CV20288_subpoena_FBI.pdf
70K



2023-07-31_203CV20288_touhy_letter_FBI.pdf
155K