UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACQUELINE STEVENS, Plaintiff, v. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, IMMIGRATIONS AND CUSTOMS ENFORCEMENT, Defendant.	)	No. 20 C 2725 Judge Rowland

DEFENDANT'S MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT

Plaintiff Jacqueline Stevens has sued for the release of government records under the Freedom of Information Act, 5 U.S.C. § 552. She says that Immigration and Customs Enforcement has improperly withheld records in response to six FOIA requests that she filed in 2018 and 2019. Dkt. 41 (Answer) ¶¶ 1, 17, 28, 36, 44, 52, 67. In truth, ICE has conducted an adequate search for responsive records and has not improperly withheld any material. As a result, ICE is entitled to summary judgment.

Argument

The court should enter summary judgment in ICE's favor. It has conducted adequate searches for records responsive to Stevens's FOIA requests, produced the responsive records, and properly withheld certain material that FOIA exempts from disclosure. Summary judgment is proper when "there is no genuine issue as to any material fact" and the movant "is entitled to judgment as a matter of law." *Stevens v. DHS*, 2014 WL 5796429, *4 (N.D. Ill. Nov. 14, 2014) (citing Fed. R. Civ. P. 56(a)). FOIA cases typically are resolved on summary judgment because they often hinge on whether an agency's undisputed actions violated FOIA. *E.g.*, *Bassiouni v.*

C.I.A., 2004 WL 1125919, *2 (N.D. Ill. Mar. 31, 2004). Summary judgment should be granted if the agency provides the court with declarations or other evidence showing that it conducted an adequate search for records and that any responsive documents were produced or are exempt from disclosure. *E.g.*, *Carney v. DOJ*, 19 F.3d 807, 812 (2d Cir. 1994) (declarations "indicating the agency has conducted a thorough search" are sufficient to sustain agency's burden). Agency submissions in support of a summary judgment motion should be "accorded a presumption of good faith." *Demma v. DOJ*, 1996 WL 11932, *3 (N.D. Ill. Jan. 10, 1996) (citing *Carney*, 19 F.3d at 812). Here, ICE has provided a declaration showing that it conducted an adequate search and that the information it withheld is exempt from disclosure. Defendant's Statement of Facts (DSOF) ¶¶ 5-76 (citing the Declaration of Fernando Pineiro).

I. The Searches' Adequacy

ICE has satisfied its burden on summary judgment to demonstrate that it conducted adequate searches for responsive records because it has shown that it made a good faith effort to conduct searches "reasonably calculated to uncover all relevant documents." *Hart v. FBI*, 1996 WL 403016, *2 (7th Cir. July 16, 1996); *see also DiBacco v. U.S. Army*, 795 F.3d 178, 188 (D.C. Cir. 2015) (agency must make good faith effort to conduct search using methods that "can be reasonably expected to produce the information requested"). An agency can establish the reasonableness of its search by "reasonably detailed, nonconclusory affidavits describing its efforts." *Baker & Hostetler LLP v. Dep't of Commerce*, 473 F.3d 312, 318 (D.C. Cir. 2006). Here, ICE has submitted a reasonably detailed, nonconclusory affidavit describing its efforts, which are outlined below. DSOF ¶¶ 5-59 (citing the Declaration of Fernando Pineiro).

A. August 6, 2018 Request

Stevens's August 6, 2018 request sought: (1) information on ICE's Enforcement and Removal field offices, holding cells, and number of people in custody; (2) "the Excel spreadsheet

and screen shots of the data base interface used"; and (3) a "list of addresses for locations listed as 'unavailable'" in a previous FOIA release. DSOF ¶ 9. Because the request explicitly related to ICE's Enforcement and Removal Operations office, ICE determined that that office was reasonably likely to have responsive records. DSOF ¶ 13. The office tasked several sub-offices to search for records, including Custody Management (which oversees ICE detention operations), Field Operations (which coordinates the field offices), and Law Enforcement Systems and Analysis Statistical Tracking Unit (which provides official statistics). DSOF ¶ 14.

The Custody Management and Field Operations offices both responded that they did not maintain the requested information. DSOF ¶ 15. But the statistical tracking unit provided a spreadsheet showing initial "book-ins" for detention facilities during time period Stevens had requested, and ICE produced it without redactions. *Id.* Stevens administratively appealed, contending that the spreadsheet omitted the full addresses, phone numbers, and other information, and an Enforcement and Removal Operations mission support specialist subsequently searched the office's intranet using the search terms "phone lists" and "field offices" and located a responsive 11-page spreadsheet, which ICE produced. DSOF ¶¶ 16-18.

B. August 23, 2018 Request

Stevens's August 23, 2018 request sought ICE's "Jail Services Cost Statements" for a variety of outside facilities, grievance logs from certain facilities, and other related records. DSOF ¶ 19. ICE determined that its Office of Acquisition Management and its Enforcement and Removal Operations offices were reasonably likely to have responsive records. DSOF ¶ 20.

At the Office of Acquisition Management, a senior contract specialist spent 48 hours searching the office's Procurement Request Information System Management database—a database that DHS has used since 2004 for all phases of its procurement cycle including acquisition planning through contract closeout—using the detention facility location codes for each of the 14

requested sites, which identified the contract numbers for those facilities. DSOF ¶ 21. The office gathered 11,855 pages of potentially responsive contract-related records, and ICE produced the responsive records. *Id.*

The Enforcement and Removal Operations office tasked its Custody Management Division and its Detention Planning and Acquisition Unit, and those offices identified responsive Excel spreadsheets, which ICE produced. DSOF ¶ 22. ICE also tasked its Office of Professional Responsibility, and an analyst in that office spent eight hours searching the Joint Integrity Case Management System—a case management system that ICE uses to record claims of employee misconduct, manage criminal and administrative investigations, and track employee and contractor disciplinary actions—for grievance logs relating to the Otero, Berks County, and Hudson County facilities. DSOF ¶ 23. The search located an Excel spreadsheet with grievance data, which ICE produced. *Id.*

C. December 2018 Request

Stevens's December 2018 request sought records relating to ICE's arrangement with a facility in Hudson County, New Jersey. DSOF ¶ 24. ICE tasked its Office of Professional Responsibility, its Office of Acquisition Management, and its Enforcement and Removal Operations office to search for records. DSOF ¶ 25.

In the Office of Professional Responsibility, a section chief performed a computer search using the search terms "medical" and "grievance," a manual search of computer files for inspections relating to the Hudson County jail, and an Outlook search using the terms "Hudson," "medical," "grievance," and "hunger." DSOF ¶ 26. And an analyst spent six hours searching the Joint Integrity Case Management System (described above) using the terms "case summary," "ROI synopsis," "ROI narrative," "hunger strike," "medical treatment," and "hospital." DSOF ¶ 27. The searches located responsive records. DSOF ¶¶ 26-27.

At the Office of Acquisition and Management, an employee familiar with the office's practices and contract activities responded that the office had no contracts with the medical care provider CFG Health Systems for the Hudson County jail and that therefore any search would not be reasonably calculated to uncover responsive records. DSOF ¶ 28.

The Enforcement and Removal Operations office determined that its Newark and New York City field offices, as well as the ICE Health Service Corps, should be tasked to search because those offices had oversight for ICE detainees at the Hudson County facility. DSOF ¶ 29. At the Newark field office, two supervisory officers spent three hours searching the office's shared drive and Outlook using the terms "hunger strike," "hospitalization," "hospital admission," "Hudson hunger strike," "SIR Hudson" (referring to "significant incident report"), and "Hudson," locating responsive records. DSOF ¶ 30. At the New York field office, an assistant director searched the office's shared drive and Outlook using the terms "grievance," "medical expense," "health care services," "hunger strikes," "and "hospital," and a supervisory officer searched the office's database using the term "grievance," and both searches located responsive records. DSOF ¶ 31. And at the ICE Health Services Corps, a commander spent three hours on a computer and Outlook search using the terms "Hudson hunger strike," "Hudson hospital report," "Hudson AND hunger strike," and "Hudson AND hospital report," locating responsive records. DSOF ¶ 33. ICE produced the responsive records. DSOF ¶ 34.

D. January 2019 Request

Stevens's January 2019 request sought a variety of records relating to "health care services at the Kenosha County, WI jail." DSOF ¶ 35. ICE determined that its Enforcement and Removal Operations office, its Office of Acquisition Management, and its Office of Professional Responsibility were reasonably likely to have responsive records. DSOF ¶ 36.

The Enforcement and Removal Operations office responded that it does not maintain

medical records or grievance logs for the Kenosha County jail. DSOF ¶ 37. Nevertheless, at the Chicago field office, a supervisory officer searched Outlook using the terms "Kenosha," "hunger strike," and "grievance." DSOF ¶ 38. The search located no responsive records. *Id*.

At the Office of Acquisition Management, a contracting officer spent 12 hours conducting a computer search, manually reviewing computer folders, and searching Outlook, using the terms "Kenosha," "Kenosha Medical," "Kenosha Invoices," "Kenosha 2015," "Kenosha 2016," "Kenosha 2017," "Kenosha 2018," "Kenosha 2019," "Medical Issues," "G-514s" (the name of ICE's purchase requisition forms), "Contracts/MODS" (referring to contract modifications), and "Approved Invoices," locating responsive records. DSOF ¶ 39. A senior analyst also searched the Procurement Request Information System Management database (described above) using the terms "Kenosha" and "Kenosha County," locating responsive records. DSOF ¶ 40.

At the Office of Professional Responsibility, an analyst searched the office's Inspections and Detentions Oversight database using search terms from the FOIA request itself, and a unit chief searched the office's shared drive using the terms "Kenosha medical" and "Kenosha grievance." DSOF ¶ 41. Both employees located responsive records. *Id*.

ICE produced the responsive records that it located in response to this request. DSOF ¶ 42.

E. March 2019 Request

Stevens's March 2019 request sought records relating to ICE's arrangement with the jail in Butler County, Ohio. DSOF ¶¶ 43-44. ICE determined that its Enforcement and Removal Operations office, its Office of Professional Responsibility, and its Office of Acquisition Management were reasonably likely to have responsive records. DSOF ¶¶ 45, 49, 51.

At the Enforcement and Removal Operations office, a specialist in the office's Custody Management unit searched the office's sharepoint site using the term "facility list report," locating potentially responsive records. DSOF ¶ 46. And a statistician in the statistical tracking unit

searched the unit's Enforcement Integrated Database (a repository for records relating to the investigations, arrests, bookings, detentions, and removals) using the terms "length of stay" and "Butler County Jail" run together, locating responsive records. DSOF ¶ 47. Later, ICE tasked the Custody Management headquarters and the Enforcement and Removal Operations field office in Detroit. DSOF ¶ 48. Custody Management headquarters responded that it had no additional records beyond what the specialist had previously found. *Id*. But the Detroit field office—which had oversight for ICE detainees housed at the Butler County jail—found eight responsive email strings relating to work performed by detainees. *Id*.

At the Office of Professional Responsibility, the acting unit chief of the office's Office of Detention Oversight searched their hard drive, the office's shared drive, and Outlook using the term "Butler County," locating potentially responsive records. DSOF ¶ 50.

At the Office of Acquisition Management, a contract specialist for the Detroit field office found 15 pages of responsive records including the original service agreement between ICE and Butler County, as well as a modification to the agreement, and determined that it would not have any records responsive to parts 2 or 3 of the request. DSOF ¶ 51.

Finally, ICE also determined that its Office of the Chief Information Officer could search for archived emails of the two custodians that the request had named (Tae Johnson and Kevin Landy). DSOF ¶ 52. The office collected all sent, deleted, and received emails from the two from 2009 to present and sent them to ICE's FOIA office. DSOF ¶ 53. The FOIA office searched the emails using the terms "Butler County Jail" AND "work program"; "Butler County Jail" AND "voluntary work program" or "VWP"; "Butler County Jail" AND "porters"; and "Butler County Jail" AND "same rate as prisoners," locating responsive records. *Id*.

ICE produced the responsive records that it found in response to this request. DSOF ¶ 54.

F. November 2019 Request

Stevens's November 2019 request sought: (1) communications with which Congresswoman Lauren Underwood or her staff ; (2) communications about "the use of Electronic Health Records systems already in place" and "the establishment of an EHR for use by offices of CBP"; and (3) "[i]nformation on meetings and communications with private individuals" regarding "past, current, or potential 'enterprise' or other information technologies for collecting, coordinating, or maintaining health records data for those encountered or detained by DHS." DSOF ¶ 55. ICE determined that its Enforcement and Removal Operations office and its Office of Congressional Relations were reasonably likely to have responsive records. DSOF ¶ 56.

The Enforcement and Removal Operations office tasked ICE's Health Service Corps, and that unit's IT chief (who was ICE's point of contact for the project to integrate an EHR) searched his email using the terms "Thomas Wilkinson" (DHS's chief medical officer), "DHS ehr," and "ehr integration." DSOF ¶ 57. Another officer who was involved in the EHR integration project searched his email for "Tom Wilkson." *Id*. The searches yielded responsive records. *Id*.

At the Office of Congressional Relations, two liaison specialists searched their computers and emails using the search terms "Lauren Underwood (D-IL)," "Underwood," "Rep. Underwood," and "HR 3525" and found no records. DSOF ¶ 58. A legislative analyst also conducted a computer and email search using the term "Lauren Underwood (D-IL)" and found no records. *Id*.

ICE produced the responsive records that it found in response to this request. DSOF ¶ 59.

G. Searches' Adequacy

Overall, ICE produced more than 12,000 pages of responsive records in response to Stevens's six FOIA requests. DSOF ¶ 59. But the adequacy of a search is gauged "not by the fruits of the search, but by the appropriateness of the methods used to carry out the search."

Ancient Coin Collectors Guild v. Dep't of State, 641 F.3d 504, 514 (D.C. Cir. 2011) (quotation omitted). A search is adequate if it is the result of a "good faith effort" and is "reasonable in light of the request." *Stevens v. State*, 20 F.4th 337, 342 (7th Cir. 2021) (quotation omitted). Here, ICE's search was more than adequate, as shown by the extensive and exhaustive efforts described above.

II. No Information Improperly Withheld

In producing responsive records, ICE properly withheld various information protected from disclosure by one or more FOIA exemptions. 5 U.S.C. § 522(b); *DOJ v. Tax Analysts*, 492 U.S. 136, 150-51 (1989). An agency bears the burden of showing that any withheld information falls into one or more of those exemptions. 5 U.S.C. § 552(a)(4)(B); *NRDC v. NRC*, 216 F.3d 1180, 1190 (D.C. Cir. 2000). Here, ICE's declaration and *Vaughn* index adequately describe the withheld material and the justifications for nondisclosure. DSOF ¶¶ 61-76; *Stevens*, 2014 WL 5796429 at *4 (summary judgment for agency is appropriate "if the agency affidavits describe the documents withheld and the justifications for nondisclosure in enough detail and with sufficient specificity to demonstrate that material withheld is logically within the domain of the exemption claimed") (quoting *Patterson v. IRS*, 56 F.3d 832, 836 (7th Cir. 1995)).

A. Exemption 3

Exemption 3 permits the withholding of information that is "specifically exempted" by statute. 5 U.S.C. § 552(b)(3). Here, ICE redacted information on a single page of its production because it relates to a medical update on an ICE detainee subject to statutory protections that prohibit ICE from disclosing information regarding that detainee. DSOF ¶ 62. ICE is concerned that specifying the statute would itself reveal information that is protected from disclosure, *id*., but ICE offers to identify the statute in an *in camera* submission, should the court wish.

B. Exemption 4

Exemption 4 covers two broad categories: (1) trade secrets; and (2) information that is (a) commercial or financial, (b) obtained from a person, and (c) privileged or confidential. 5 U.S.C. § 552(b)(4). The exemption protects the government's interests by encouraging people to voluntarily furnish useful and reliable commercial information, and it protects submitters from the competitive disadvantage that could result from disclosure. *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 873 (D.C. Cir. 1992).

Here, ICE redacted commercial and financial information that was submitted by private entities and that is customarily and actually treated by those entities as private. DSOF ¶ 63. For example, ICE withheld cost information submitted by a contractor that provides staffing for medical services for ICE detainees. DSOF ¶ 64. ICE also withheld, as proprietary commercial information, schematic drawings that a contractor submitted for construction additions to detention facilities. DSOF ¶ 67. ICE properly applied Exemption 4 to all of this information.

C. Exemption 5

Exemption 5 protects "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with an agency." 5 U.S.C. § 552(b)(5). To qualify for this exemption, a document must fall within the ambit of the traditional privileges that the government could assert in civil litigation against a private litigant. *Enviro Tech v. EPA*, 371 F.3d 370, 374 (7th Cir. 2004). Those privileges are the attorney-client, attorney work-product, and deliberative-process privileges. *Barmes v. IRS*, 60 F.Supp.2d 896, 901 (S.D. Ind. 1998) (citing *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149 (1975)).

Here, ICE withheld certain information under the deliberative-process privilege. DSOF ¶ 68. The privilege protects records "reflecting advisory opinions, recommendations, and deliberations comprising part of a process by which government decisions and policies are

formulated." *Loving v. Dep't of Defense*, 550 F.3d 32, 38 (D.C. Cir. 2008). To qualify for the deliberative-process privilege, the information must be: (1) "predecisional," meaning it must be antecedent to the adoption of an agency policy; and (2) "deliberative," meaning it reflects the give-and-take of the consultative process. *Reilly v. Dep't of Energy*, 2007 WL 4548300, *4 (N.D. Ill. Dec. 18, 2017). The privilege reflects "the legislative judgment that the quality of administrative decision-making would be seriously undermined if agencies were forced to 'operate in a fishbowl' because the full and frank exchange of ideas on legal or policy matters would be impossible." *Tax Analysts v. IRS*, 117 F.3d 607, 617 (D.C. Cir. 1997); *see also United States v. Nixon*, 418 U.S. 683, 705 (1974) ("Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process.").

As an example, ICE withheld portions of an email chain between various executives including ICE's acting director and ICE's acting principal legal advisor discussing how to respond to questions regarding detention facilities holding ICE detainees. DSOF ¶ 68. The redacted information includes comments from the assistant director of ICE's detention policy office providing his opinion on whether a statement from the sheriff of Butler County, if true, would violate ICE's detention standards. *Id.* This is a classic example of what the deliberative-process privilege protects. *Jordan v. DOJ*, 591 F.2d 753, 773 (D.C. Cir. 1978) ("officials should be judged by what they decided[,] not for matters they considered before making up their minds") (quotation omitted). Disclosure of these communications would discourage the sharing of candid opinions, would inhibit the free and frank exchange of information and ideas between ICE personnel, and could cause ICE personnel to be less inclined to produce and circulate material for consideration by peers. DSOF ¶ 69. Considerable deference should be given to ICE's judgment about what constitutes the give-and-take of deliberative process, because an agency is best situated "to know

what confidentiality is needed 'to prevent the injury to the quality of agency decisions.'" *Chem. Mfrs. Ass'n v. Consumer Prod. Safety Comm'n*, 600 F.Supp. 114, 118 (D.D.C. 1984) (quoting *Sears, Roebuck & Co.*, 421 U.S. at 151).

As an example of a withholding under the attorney-client privilege, ICE withheld portions of an email chain containing legal analysis from ICE's acting principal legal advisor and the subsequent responses from ICE executives. DSOF ¶ 70. In addition to being pre-decisional and deliberative, the information is protected by the attorney-client privilege because the exchange contains opinions, and analysis provided by ICE's acting principal legal advisor. *Id.*

D. Exemptions 6 and 7

Exemption 6 protects information when its release would be a "clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6); *Lepelletier v. FDIC*, 164 F.3d 37, 46 (D.C. Cir. 1999) (courts broadly interpret Exemption 6 to encompass all information applying to a particular individual). Exemption 7 protects from disclosure "records or information compiled for law enforcement purposes," if the disclosure "could reasonably be expected to constitute an unwarranted invasion of personal privacy" (Exemption 7(C)), or if the disclosure "would disclose techniques and procedures for law enforcement investigations or prosecutions" or "would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law" (Exemption 7(E)). 5 U.S.C. § 552(b)(7)(C), (E).

To determine whether releasing information would constitute a "clearly unwarranted invasion of personal privacy," the court balances the interest of protecting a person's private affairs from unnecessary public scrutiny against the public's right to governmental information. *Lepelletier*, 164 F.3d at 46. The *only* relevant public interest in the FOIA balancing analysis is the extent to which disclosure would shed light "on the agency's performance of its statutory duties" or otherwise let citizens know what their government is up to. *Id.*

Here, ICE redacted under FOIA Exemptions 6 and 7(C) the names, initials, signatures, phone numbers, email addresses, and suite numbers of federal law enforcement officers, other government employees, and non-public-facing employees of private detention service providers and medical-care staffing companies. DSOF ¶ 71. The employees whose information was withheld assist ICE with its law enforcement mission, which includes providing housing, education, and healthcare for detainees. DSOF ¶ 72. The employees have a privacy interest in not becoming targets of harassment by anyone who may begrudge them for their involvement in immigration law enforcement and in remaining free from interference in the performance of their duties by anyone who opposes ICE's mission. *Id*. Disclosure could also result in their being subjected to personal requests for law enforcement information or information about ongoing or closed investigations. *Id*.

Having determined that the employees have a privacy interest in not having their information released, ICE then balanced their privacy interest against the public's interest in disclosure and determined that releasing the employees' personal information would not shed further light on ICE's operations or activities. DSOF ¶ 73; *Dep't of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487, 494-99 (1994) (releasing personal information of agency employees and third parties does not contribute significantly to public understanding of government's operations or activities).

On top of that, the third-party employees whose information ICE withheld have not provided their consent to the information's release, as would be required by 6 C.F.R. §§ 5.3(a), 5.21(d). DSOF ¶ 74.

Under FOIA Exemption 7(E), ICE withheld information regarding specific security measures for detention officers, including information on hold rooms, armed transportation, and management of the keys and locks at detention facilities, the use and storage of firearms and body

armor, internal ICE accounting information, detention facility schematics (showing the layout, ingress and egress locations, and the proximity of guard stations to and security surveillance of areas within a detention facility), staffing plans by shift for security operations at detention facilities, schedules and routes for busing detainees between facilities, schedules for perimeter surveillance, procedures regarding detainee use of certain tools, and the frequency and schedule of detainee counts. DSOF ¶ 75. Disclosure could reasonably be expected to reveal where a particular detention facility would be most vulnerable to efforts to avoid detection and apprehension when organizing an escape or disturbance and how to thwart or frustrate security measures to prevent or quell such incidents. DSOF ¶ 76. Public awareness of the information would aid anyone seeking to gain unauthorized entry, because they would know the facility's layout and security procedures, which could be exploited to access the facility and frustrate the security measures. *Id.*; *see also NARA v. Favish*, 541 U.S. 157, 172 (2004) (burden is on requester to demonstrate sufficient public interest for disclosure).

III. Exempt Information Reasonably Segregated

ICE has also fulfilled its obligation to release all reasonably segregable, non-exempt information to Stevens. FOIA directs that any "reasonably segregable" portion of a record must be produced after "deletion of the portions which are exempt." 5 U.S.C. § 552(b). But if the proportion of nonexempt material is "relatively small and is so interspersed with exempt material that separation by the agency and policing of this by the courts would impose an inordinate burden," then the material remains FOIA-protected because, "although not exempt, it is not reasonably segregable." *Lead Indus. Ass'n, Inc. v. OSHA*, 610 F.2d 70, 86 (2d Cir. 1979). Agencies are entitled to a presumption that they complied with the obligation to disclose reasonably segregable materials. *Stevens*, 2014 WL 5796429 at *9. The court, nonetheless, must make an express finding on the issue of segregability. *Patterson v. IRS*, 56 F.3d 832, 840 (7th Cir.

1995) (remanding where court made no segregability finding).

Here, ICE has examined its withholdings and determined that there is no segregable, non-exempt information that could further be released, and that all reasonably segregable portions of the relevant records have been produced. DSOF ¶¶ 77-78. In sum, ICE has met its burden of showing that it did not withhold any non-exempt information that was reasonably segregable. *See Matter of Wade*, 969 F.2d 241, 246 (7th Cir. 1992) (veracity of government's submissions regarding reasons for withholding records should not be questioned without evidence of bad faith).

Conclusion

For the reasons above, summary judgment should be granted in defendants' favor.

Respectfully submitted,

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