

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,

Plaintiff,

v.

GENERAL SERVICES  
ADMINISTRATION,

Defendant.

Civil Action No. 18-cv-2071-CKK

**DECLARATION OF NIKHEL S. SUS**

I, Nikhel S. Sus, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Senior Counsel, Complaints & Litigation, at Citizens for Responsibility and Ethics in Washington (“CREW”), Plaintiff in the above-captioned case. I have worked at CREW since September 2018.

2. I have represented CREW in the above-captioned case since September 17, 2018. ECF No. 5 (Notice of Appearance). In that role, I have served as the primary point of contact for meeting and conferring with Defendant about this case and about Defendant’s response to CREW’s FOIA request dated July 30, 2018, which is the subject of the litigation. I have engaged in multiple email and telephone exchanges with Defendant’s counsel regarding potential search parameters and terms for Defendant to use in responding to CREW’s FOIA request.

3. I have reviewed the Declaration of Travis Lewis, ECF No. 36-3, submitted in support of Defendant’s Renewed Motion for Summary Judgment. In particular, I have reviewed the following statement by Mr. Lewis regarding Defendant’s search efforts: “The email search returned tens of thousands of pages. Those were further reviewed using the key terms ‘EPW’

and 'FBI'. The search parameters were communicated to the Plaintiff and no objection was received." ECF No. 36-3, ¶ 14. The final sentence in Mr. Lewis's statement is incorrect: neither Mr. Lewis nor Defendant's counsel ever communicated to me any proposal to use only "EPW" and "FBI" as search terms.

4. On April 13, 2020, I searched my email communications related to this litigation and located no communications from Defendant proposing to use only "EPW" and "FBI" as search terms.

5. I would have objected to a proposal for Defendant to search for potentially responsive records using only "EPW" and "FBI" as search terms because the terms are under-inclusive and not reasonably calculated to locate all documents responsive to CREW's FOIA request. Moreover, use of only "EPW" and "FBI" is inconsistent with the terms both parties agreed to in the September 9, 2019 joint status report. *See* ECF No. 27.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 13, 2020.



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Nikhel S. Sus