

Exhibit B

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AIMS Institute, PLLC, et al. vs. Merrick Garland,
et al.

Kelleigh Miller (#5645328)

E R R A T A S H E E T

PAGE _____ LINE _____ CHANGE _____

Please see exhibit A

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Kelleigh Miller _____ *2/16/2023* _____
KELLEIGH MILLER Date

Corrections to Testimony of Kelleigh A. Miller
AIMS v. DOJ

General Corrections to Testimony

I mistakenly introduced myself as DEA's Chief FOIA Officer. To clarify, my official title is the Chief of the Freedom of Information and Privacy Act (FOIA/PA) Unit at the Drug Enforcement Administration (DEA). The Associate Attorney General (AAG) Vanita Gupta is the Chief FOIA Officer for the U.S. Department of Justice (DOJ). The components of the DOJ, like the DEA, do not have separate Chief FOIA Officers. Statements in the cited portions in the footnote below¹ such as "Correct," "It is," or other affirmative answers that I am a Chief FOIA Officer should be changed to "incorrect" or replaced with a statement clarifying that I am Chief of the DEA's FOIA/PA Unit and not the DOJ's Chief FOIA Officer. Similarly, statements in the cited portions in the footnote below² such as "Correct," "It is," or other affirmative answers indicating that I have the responsibilities of the DOJ's Chief FOIA Officer should be changed to "incorrect" or replaced with a statement clarifying that I am the DEA's FOIA/PA Unit Chief and not the DOJ's Chief FOIA Officer.

Specific Corrections to Testimony

Page 10, Line 9

Change: "on partially virtual" to: "it was virtual"

Page 25, Line 12

Change: "five" to: "seven."

Page 26, Lines 2-4:

Change to: "We have four GS-12 Government Information Specialists, one FOIA Analyst contractor, and one GS-14 supervisor assigned to the Processing Sub-Unit."

Page 29, Lines 12-14

Change: "Correct." To: "Incorrect, Ms. Hoffman reports to the Principal Deputy Administrator."

Page 32, Line 19:

Change: "It is." To: DEA is a considered a component, not an agency, within the DOJ.

¹ See testimony page 6, line 10; page 23, lines 20-22; page 24, line 3; page 27, line 3; page 29, lines 15-16; page 32, lines 14-16 and lines 20-22; page 33, lines 4-8 and 18-20; page 36, lines 10-11; page 38, lines 16-19 and line 22; page 40, lines 14-17; page 42, lines 5-11; page 42, line 22; page 43, lines 1-4; page 51, lines 6-8; page 67, lines 3 and 7; page 122, line 4; and page 182, line 2.

² See page 29, lines 20-22; page 33, lines 4-17 and 21-22; page 34, lines 1-22; page 35, lines 1-6; page 38, lines 5-22; page 39, lines 1-11 and lines 15-19; page 41, line 22; page 42, lines 1-8; and page 242, lines 1-3.

Page 35, Line 6:

Change: “We do that.” To: “OIP prepares the DOJ’s Annual FOIA Report and Chief FOIA Officer reports to the Attorney General. DEA provides information to OIP for that report, but the DEA does not prepare the report.”

Page 37, Line 18

Change: “I have, yes.” To: “I have, yes, but I am not a member of the CFO Council.”

Page 40, Line 2

Change: “Desheila” to: “Deshelia”

Page 58, Line 2

Change: “Correct” to: “Most of the time, yes, as a majority of FOIA requests received by DEA require us to search for records located outside of our own office. However, each FOIA request is considered on a case-by-case basis. DEA does not assert unusual circumstances for every FOIA request that implicates potential records outside of my office.”³

Page 68, Lines 9-12

Change: “Well, it is captured in the DOJ FOIA regulations, which can be found at 28 – excuse me – 28 CFR part 16. It defines unusual circumstances.” To: “Well, it is captured in the U.S. Code, which can be found at 5 U.S.C. (6)(B)(i)-(iii). It defines unusual circumstances.”

Page 77, Line 11

Change: “Correct.” To: “Correct, unusual circumstances could be properly invoked.”

Page 120, Line 5

Change: “expanding” to “extending”

Page 125, Line 20

Change: “file” to: “follow”

Page 134, Line 16

Change: “publish” to: “public.”

Page 162, Line 2

Change: “perfected” to: “reasonably described”

³ Examples of these situations may be found in my testimony at pages 76-77; page 81, lines 13-20; page 98, lines 6-12; page 102, lines 17-22; and page 103, lines 1-6.



Page 162, Lines 16-19

Change: “Expedited track is any time a requester requests expedited treatment and because they feel there is a compelling need for the information sought.” To: “Expedited track means we’ve granted expedited processing to a requester who met the criteria outlined in 5 U.S.C. § 552(a)(6)(E).”

Page 172, Line 6

Change: “defined” to: “define”

Page 196, Line 5

Change: “Yes.” To: “Yes, it includes the deliberative process privilege as well as the attorney-work product and attorney-client privileges.”

Page 200, Lines 20 and 21

Change: “commercial trade or profit interest” to: “commercial, trade, or profit interest”

Page 211, Lines 4-14; Page 212 Lines 8-16; Page 213 Line 13; Page 215 Lines 6-12; Page 216 Lines 11-22; and Page 217 Lines 1-5

Change: All references to the “DOJ policy” should be changed to “A memorandum issued by the Office of Information Policy on November 30, 2017, titled *Guidance On Disclosure of DOJ Employee Names*.”

Page 213, Line 11

Change: “That is correct.” To: “That is correct. It could constitute an invasion of privacy depending on the specific circumstances presented.”

Page 216, Line 19

Change: “That is correct.” To: “It could be redacted, depending on the specific circumstances presented.”

Page 230, Line 8

Change: “Intela” to: “Intella”

Page 233, Lines 2, 4, and 8

Change: “Intela” to: “Intella”

Page 235, Line 5

Change “Intela” to: “Intella”

Page 243, Lines 20-21

Change: “Correct. For the department, though, for the Department of Justice.” To: “As stated on page two of the [2022 Chief FOIA Officer Report](#), OIP is responsible for encouraging compliance with the FOIA both within the Department and across the federal government.”

Page 244, Lines 17-18

Change: “Correct. They set the regulations for just the Department of Justice.” To: “Correct. They assist in drafting the FOIA regulations for the Department of Justice.”

Page 249, Line 13

Change: “GS-14” to: “GS-13”

Page 253, Line 18

Change “the” to: “this”

1 AIMS Institute, PLLC, Et Al. v. Garland, Merrick, Et Al.
2 Kelleigh Miller 5645328

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Kelleigh Miller, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10 Kelleigh Miller

2/16/2023

11
12 Kelleigh Miller

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 16 DAY OF February, 2023.

16
17
18 Shanette N. Joyner

19 NOTARY PUBLIC

