

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY L. VIOLA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 15-242E
)	
v.)	
)	JUDGE BAXTER
UNITED STATES DEPARTMENT OF)	
JUSTICE, FEDERAL BUREAU OF)	
INVESTIGATION, et al.,)	<i>(Electronically Filed)</i>
)	
Defendants.)	

**DEFENDANTS’ NOTICE OF FILING CORRESPONDENCE TO
UNITED STATES DISTRICT JUDGE SUSAN PARADISE BAXTER**

AND NOW, come Defendants, the Executive Offices for United States Attorneys (“EOUSA”), The Federal Bureau of Investigation (“FBI”), and The United States Department of Justice, (“DOJ”), by and through their attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Michael C. Colville, Assistant United States Attorney for said District, and hereby files the attached Correspondence to United States District Judge Susan Paradise Baxter.

Respectfully submitted,

SCOTT W. BRADY
United States Attorney

Dated: September 27, 2019

/s/ Michael C. Colville
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September 27, 2019

The Honorable Susan Paradise Baxter
United States District Judge
U.S. Courthouse
17 South Park Row, Room A-240
Erie, PA 16501

RE: Anthony L. Viola v. USDOJ FBI, et al.
Civil Action No. 15-242E

Dear Judge Baxter:

In June 2018, the Court granted summary judgment to the federal defendants in this Freedom of Information Act case, the Federal Bureau of Investigation (FBI) and Executive Office for U.S. Attorneys (EOUSA). The plaintiff, Anthony L. Viola, appealed that ruling to the U.S. Court of Appeals for the Third Circuit, where the appeal remains pending.

In the course of preparing the government's brief on appeal, government counsel discovered that the *Vaughn* index that EOUSA prepared and the government filed with this Court incorrectly described some of the documents at issue. The government has now moved in the Third Circuit to vacate this Court's judgment in favor of EOUSA and remand for further proceedings—in which EOUSA will reprocess the documents at issue and submit a new *Vaughn* index and declaration—once the Third Circuit has resolved the remaining issues in the appeal.

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Because the Third Circuit appeal remains pending, this Court presently lacks jurisdiction, and the government does not ask that the Court take any action at this time. The government is filing this letter simply to avoid any delay in notifying the Court of the inaccuracies in EOUSA's prior submission. The government regrets those inaccuracies and the resulting inconvenience to the Court.

Respectfully submitted,

SCOTT W. BRADY
United States Attorney

/s/ Michael C. Colville
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