

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS,

Appellant,

Case No. 15-5051

v.

UNITED STATES DEPARTMENT OF
JUSTICE EXECUTIVE OFFICE FOR
UNITED STATES ATTORNEYS and
UNITED STATES DEPARTMENT OF
JUSTICE,

Appellees.

**PLAINTIFF-APPELLANT'S PRELIMINARY
STATEMENT OF ISSUES TO BE RAISED**

Pursuant to the Court's Docketing Order of February 23, 2015, Plaintiff-Appellant National Association of Criminal Defense Lawyers (NACDL) hereby submits this preliminary statement of the issues that NACDL intends to raise in this appeal:

1. Whether a government manual that "comprehensively covers the law, policy, and practice of prosecutors' disclosure obligations" may be withheld from the public and NACDL on the ground that it constitutes attorney work product, pursuant to § 552(b)(5) of the Freedom of Information Act (FOIA).

2. Whether a government manual that "comprehensively covers the law, policy, and practice of prosecutors' disclosure obligations" may be withheld from

the public and NACDL on the ground disclosing it would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions that could reasonably be expected to risk circumvention of the law, pursuant to § 552(b)(7)(E) of FOIA.

March 24, 2015

/s/ Kerri L. Ruttenberg

Kerri L. Ruttenberg

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CERTIFICATE OF SERVICE

I hereby certify that, on this 24th day of March 2015, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

March 24, 2015

/s/ Julia Fong Sheketoff

Julia Fong Sheketoff