

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

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 18-cv-2130
	)	
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,	)	
	)	
<i>Defendant.</i>	)	
	)	

**DECLARATION OF SASHA BUCHERT**

I, SASHA BUCHERT, hereby declare as follows:

1. I am a Staff Attorney at Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”), a non-profit, section 501(c)(3) organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and everyone living with HIV.

***Lambda Legal’s Mission and Contributions***

2. Lambda Legal leads high-impact public education campaigns, advocates for public policy at the local, state, and federal levels, and engages in impact litigation.

3. Through its Fair Courts Project, Lambda Legal provides the public with information and tools to counter harmful attacks on the courts that threaten LGBT and HIV-related civil rights. Lambda Legal’s Fair Courts Project advances this mission through creation and dissemination of reports, analysis, a curriculum for legal professionals, “Know Your Rights” materials, an advocacy toolkit, and other informational and education materials.

4. Lambda Legal also uses its social media platforms (including Facebook and Twitter) to disseminate information to hundreds of thousands of followers.

***Lambda Legal's FOIA Request to HHS***

5. In light of President Trump's nomination of Judge Brett M. Kavanaugh to the Supreme Court, Lambda Legal submitted a Freedom of Information Act ("FOIA") request to the U.S. Department of Health and Human Services ("HHS") on August 10, 2018, seeking records related to communications between HHS officials and Judge Kavanaugh during Judge Kavanaugh's past public service with the White House, where he served in associate counsel and assistant to the staff secretary roles from 2001 to 2006. Specifically, Lambda Legal requested:

All records reflecting communications (including emails, email attachments, text messages, instant messages (such as AOL Instant Messenger), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between Brett Kavanaugh and Secretary Tommy Thompson, Secretary Michael Leavitt, or Assistant Secretary Wade Horn regarding media stories by Margaret (Maggie) Gallagher or Michael McManus. In addition to communications regarding published media stories, this request encompasses communications discussing proposals for media stories, solicitation of media stories, consultation on media stories, and actual or potential payment for writing media stories, regardless of whether each story was ultimately published.

A true and correct copy of the email sent by me to the HHS FOIA office, containing the August 10, 2018 FOIA request is attached the Complaint filed in this action as Exhibit A.

6. Lambda Legal considers this information vital to its mission to contribute information and analysis to the public discourse concerning Judge Kavanaugh's nomination to the Supreme Court, under the auspices of Lambda Legal's Fair Courts Project.

7. Lambda Legal has received no communications from HHS concerning Lambda Legal's FOIA request.

*Judge Kavanaugh's Confirmation Hearings*

8. On September 7, 2018, Senate confirmation hearings concluded regarding the nomination of Judge Kavanaugh to the U.S. Supreme Court.

9. In light of the conclusion of the Senate's confirmation hearings, Lambda Legal's need for a determination on its FOIA request to HHS is all the more urgent. Lambda Legal considers it essential that as much information as possible is available for public consumption prior to a Senate judiciary committee vote, in the interest of a fully informed confirmation process.

10. As Senate Republicans have indicated they will act quickly to confirm Judge Kavanaugh, Lambda Legal believes that time is of the essence with respect to the records it has requested from HHS.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 13, 2018



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Sasha Buchert