

Lee, Clarence Y.

From: Lee, Clarence Y.
Sent: Thursday, April 28, 2016 10:48 AM
To: 'Francis, Tricia (USAEO)'; 'Seabrook, April (USADC)'
Cc: Hay, Thomas S.
Subject: RE: Second Interim Release for FOIA 16-00039

Hi Tricia and April, I hope you both are doing well. I am following up on this because my client would like to know if the additional search terms suggested in my email below are being used in the continued production of documents.

As we noted before and in our status report to Judge Kessler, it appears that there were two suspects – Mr. Negley and another, un-named suspect from Buffalo, New York – assigned the same suspect number of 1575 in the FBI and DOJ files. If there is some confusion about who suspect 1575 is within the Agency's files – and whether it is Mr. Negley or this other person – that would be helpful for all of us to know. Could you please let us know if these search terms are being used as soon as possible so we know these are being used in advance of the next document production?

If you have any questions, please let me know. Thanks again for your assistance on this matter.

Regards,
Clarence

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From: Lee, Clarence Y.
Sent: Tuesday, April 19, 2016 5:38 PM
To: 'Francis, Tricia (USAEO)'
Cc: Hay, Thomas S.; 'Seabrook, April (USADC)'
Subject: RE: Second Interim Release for FOIA 16-00039

Hi Tricia,

Thank you for your note last Friday and the release today. We acknowledge receipt of those documents from the Western District of Texas.

In an effort to make sure the proper documents are used, our client has asked us to provide additional search terms in order to return documents relating to Mr. Negley only. Because there was confusion about the identity of a suspect in Mr. Negley's FBI file (labeled as File 1575, attached), he is asking the government to use the search terms of the suspect's name (without revealing that to us) in the relevant district to ascertain if there are documents relating to Mr. Negley that are responsive to that search.

Further, because we believe some documents were missed in the D. Colorado and/or New York, we suggest adding the search terms "JLN" and/or "JLN Solar" in order to ascertain the proper documents.

We thank you again for your assistance. If you have any questions, please do not hesitate to contact me.

Regards,
Clarence

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From: Francis, Tricia (USAEO) [<mailto:Tricia.Francis@usdoj.gov>]
Sent: Tuesday, April 19, 2016 10:39 AM
To: Hay, Thomas S.
Cc: Lee, Clarence Y.
Subject: RE: Second Interim Release for FOIA 16-00039

Clarence and Tom:

Good morning. Per my note to you last Friday, I'm sending you the second interim release for Mr. Negley's FOIA request in 16-00039. The records I'm attaching here are from the Western District of Texas, as was the first packet that was sent to you a month ago. We are continuing to review and process the remaining pages we received from this District.

Regards,

Tricia

From: Francis, Tricia (USAEO)
Sent: Friday, April 15, 2016 9:28 AM
To: 'Hay, Thomas S.'
Cc: 'Lee, Clarence Y.'
Subject: Second Interim Release for FOIA 16-00039

Clarence and Tom:

Good morning. I write to provide you with some updates regarding this and the other requests that were sent to various districts at your request.

Request # 16-00039: Recently, I finished reviewing approximately 915 pages of records retrieved from the Western District of Texas and will send the records and our second interim release letter to you in the coming days. I have approximately 3,240 additional pages to review, and will continue to work through these pages in the coming weeks.

Requests to the districts: In February, you asked that Mr. Negley's FOIA request in 16-00039 be sent to the U.S. Attorney's Offices in districts in New York, California, Texas, Michigan, as well as to the districts of Colorado and D.C. Accordingly, EOUSA sent requests to each of these offices in the districts, and established the following FOIA request numbers:

2016-01512/Eastern District of Texas
2016-01513/Southern District of Texas

2016-01519/District of Columbia
2016-01520/Eastern District of Michigan

2016-01514/Northern District of Texas
2016-01515/Eastern District of California
2016-01516/Northern District of California
2016-01517/Southern District of California
2016-01525/Central District of California
2016/01518/District of Colorado

2016-01521/Western District of Michigan
2016-01522/Eastern District of New York
2016-01523/Southern District of New York
2016-01524/Western District of New York
2016-01616/Northern District of New York

We have heard back from all of the districts. Hopefully, you have received letters from our office regarding each response. With the exception of the District of Columbia, I understand that the other districts reported that they have no records for Mr. Negley. I expect to get more information from the DC in the coming weeks, and we will process that request when the records are provided to us.

As for forwarding your request to the office of US DOJ that handles "wiretapping" and "Main Justice," this is a bit challenging. As AUSA April Seabrook has previously communicated to you, DOJ does not have a wiretapping unit; thus, we would have to guess where to send your request per that information. DOJ is a large agency with multiple components; thus, sending it to "Main Justice" will only cause a delay, as someone in the mail referral unit would have to determine where to send your request. Since there is no single FOIA unit for "Main Justice," your request would go unanswered for a considerable amount of time. Accordingly, we are not in a position to determine where else to send your request.

Additionally, I understand that in January 2016, AUSA Seabrook provided you with a list of the components that are a part of the Department of Justice and contact information for the FOIA unit within each component. If you want another office to consider your FOIA request, it would be best for you to review that list, determine which of those offices would likely have the information you're seeking on Mr. Negley's behalf, and send the FOIA request directly to the component.

Regards,

Tricia

From: Francis, Tricia (USAEO)
Sent: Tuesday, March 15, 2016 5:05 PM
To: 'Hay, Thomas S.'
Cc: Lee, Clarence Y.
Subject: RE: First Release in FOIA Request No. 2016-00039

Tom,

Here's the Interim Release Letter and two PDFs that contain the records being released. I will let you know when we get the check.

Tricia

From: Hay, Thomas S. [<mailto:Thomas.Hay@troutmansanders.com>]
Sent: Tuesday, March 15, 2016 4:23 PM
To: Francis, Tricia (USAEO)
Cc: Lee, Clarence Y.
Subject: RE: First Release in FOIA Request No. 2016-00039

Thanks, Tricia.

From: Francis, Tricia (USAEO) [<mailto:Tricia.Francis@usdoj.gov>]
Sent: Tuesday, March 15, 2016 4:22 PM
To: Hay, Thomas S.
Cc: Lee, Clarence Y.
Subject: RE: First Release in FOIA Request No. 2016-00039

Tom,

Thanks for your response. My paralegal is putting the finishing touches on the letter and document. The numbers of pages in the RIP and RIF will shift a little, but we expect to complete that process and send the docs and a fresh letter to you within the hour.

Tricia

From: Hay, Thomas S. [<mailto:Thomas.Hay@troutmansanders.com>]
Sent: Tuesday, March 15, 2016 3:15 PM
To: Francis, Tricia (USAEO)
Cc: Lee, Clarence Y.
Subject: RE: First Release in FOIA Request No. 2016-00039

Tricia,

Thank you for your e-mail. Attached is (1) a copy of the check that is being sent to you via FedEx; and (2) a copy of the FedEx label that contains the FedEx tracking number. Please let us know if any further information is needed before you can send us the documents.

Best Regards,

Tom Hay

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From: Francis, Tricia (USAEO) [<mailto:Tricia.Francis@usdoj.gov>]
Sent: Tuesday, March 15, 2016 12:31 PM
To: Lee, Clarence Y.
Cc: Hay, Thomas S.
Subject: First Release in FOIA Request No. 2016-00039

Mr. Lee:

Good afternoon. Moments ago, I received your voicemail message, which was in response to the message I left this morning for you. In that message, I stated that we're prepared to make our first release to you in this case, and that other records pursuant to this request are currently under review. Although this request is not the subject of the litigation that's pending between Mr. Negley and the Department, I understand that you and April Seabrook reached an understanding, in which you are expecting to receive the first release of records for this specific FOIA request today. Our office is prepared to send this release to you in the form of an email today. However, pursuant to our normal business practice, we must secure payment of fees that amount to more than \$250.00 up front before we release these records.

In response to our acknowledgment letter, your client agreed to pay up to \$1,000.00 in search fees, and agreed to pay duplication costs in addition to search fees. For the sake of sharing the costs with you, I'm providing you with a copy of our release letter, which doesn't contain the actual documents. Presently, Mr. Negley is being charged for 9.5 hours of search time that was spent by the Western District of Texas, which results in a fee of \$380.00 (\$40.00 per hour). He's receiving a total of 207 pages in full/part. After taking off 100 free pages, he is being charged \$5.35 for the remaining 107 pages he will be receiving (5 cents a page). Therefore, the fees being assessed are for \$385.35.

Since this is above \$250.00, we seek payment in advance before sending the documents. 28 C.F.R. Section 16.10(i)(2). The payee information, as well as the address to which the check should be sent is on the second page of the letter. Please let us know that the check is being cut, and provide us with the tracking information regarding the mailing of that check, so that we can look out for it. Once we receive this confirmation, we will send you the records that we're releasing today later today.

I just spoke with your colleague, Thomas Hay, moments ago. I informed him that we are still reviewing other records in connection with this FOIA request, and receiving responses from the various districts that received your request. I understand that your office has started to receive those responses. We will continue to make sure that your office receives the responses of those additional districts.

Regards,

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