

FOIA; Privacy Act of 1974; Presidential, Attorney General and FBI policies and procedures; judicial decisions; and Presidential and Congressional directives. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information pursuant to the provisions of the FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a. Specifically, I am aware of the FBI's response to plaintiff's January 16, 2002 FOIA/Privacy Act ("FOIA/PA") request made to the FBI's San Francisco Field Office for information concerning himself, as amended April 23, 2002, that is at issue in this litigation. I am also aware of plaintiff's June 15, 2009, FOIA/PA request made to FBIHQ for all FBI records related to himself and his business, Davis, Joseph & Negley.

(4) I am familiar with the Court's September 24, 2009 Order.

(5) This declaration is being submitted in support of the FBI's Opposition to Plaintiff's Motion for Contempt for the FBI's alleged failure to comply with this Court's September 24, 2009 Order. This Eighth Declaration supplements, and hereby incorporates, my previous seven declarations in this case.¹

¹ The First Hardy Declaration is dated January 9, 2004. The Second Hardy Declaration is dated May 1, 2006. The Third Hardy Declaration is dated February 15, 2007. The Fourth Hardy Declaration is dated March 21, 2007. The Fifth Hardy Declaration is dated October 8, 2007. The Sixth Hardy Declaration is dated October 26, 2009. The Seventh Hardy Declaration is dated December 23, 2009. The Supplement to the Seventh Hardy Declaration is dated January 27, 2010.

(6) As discussed in detail in my Seventh Declaration, the FBI conducted a series of searches in accordance with the Court's September 24, 2009 Order. (See Seventh Hardy Decl. ¶¶ 35-46.)

(7) The searches which the FBI conducted in accordance with the Court's September 24, 2009 Order were not limited by date, location or type of document.

(8) RIDS policy, grounded in federal court rulings, is to use the first date on which it initiated a search for responsive records as the search cut-off date for determining records responsive to FOIA/PA requests. The search cut-off date for Mr. Negley's 2002 FOIA/PA request seeking records located in the San Francisco Field Office is April 23, 2002.

(9) As a result of the FBI's searches conducted in accordance with the Court's September 24, 2009 Order, the FBI only identified a few additional responsive documents found in the San Francisco Field Office prior to April 23, 2002; these were the textually duplicative records from the "ZY" index that were duplicative of records previously released to plaintiff. These records were released to plaintiff on or about December 23, 2009.

(10) By letter dated June 15, 2009, plaintiff submitted a new FOIA/PA request to FBIHQ, this time specifically seeking a copy of "all records in the possession of the Federal Bureau of Investigation relating, in any way, to James Lutcher Negley (D.O.B. [REDACTED]; 3905 Laguna Vista Cove, Austin, TX 78746), to the undersigned." Plaintiff also requested, "all records related to any permutation of James Lutcher Negley's name, as well as his business, Davis, Joseph & Negley (591 Redwood Highway, Suite 215, Mill Valley, CA 94941)." In this request, unlike prior requests, the plaintiff did not limit his request to a specific field office or to FBIHQ. This request included two specific subjects, the plaintiff and his business, and was

therefore divided into two requests for more efficient handling. (See Exhibit A.)

(11) The FBI acknowledged plaintiff's request for information on himself by letter dated July 24, 2009, and advised plaintiff it had assigned FOIPA No. 1133487-000. (See Exhibit B.)

(12) The FBI opened plaintiff's request for information on his business as a separate subject and assigned FOIPA No. 1134498-000. The FBI acknowledged this portion of Negley's request by letter dated July 22, 2009. (See Exhibit C.)

(13) The search cut-off date for records responsive to these requests is June 24, 2009, the date on which the FBI conducted its initial search for potentially responsive material.

(14) Although the FBI conducted some searches for the June 15, 2009 requests prior to the issuance of the Court's September 24, 2009 Order, all searches conducted after the Court's Order were designed to locate and identify records responsive both to plaintiff's 2002 and 2009 FOIA/PA requests. Whenever possible, the search conducted included a six-way phonetic breakdown of the name "James Lutchter Negley" and covered the following breakdowns of that name: "James Lutchter Negley, James L. Negley, James Negley, Lutchter Negley, JL Negley, J. Negley, James Luther Negley, and Luther Negley". Again, the FBI did not limit its search in any way: not by date, location or type of file. However, not all indices can be searched using the six-way phonetic search previously described. When searching the ZY database, the search string "Negley" was used. The ICM database requires the entry of a specific file number; therefore in that search the only investigatory case file believed to be associated with the plaintiff was entered (149A-SF-106204) and the specific title/caption of each subfile and or serial associated with that file was reviewed to see if any pertained to the plaintiff. (See Seventh Hardy

Decl.¶ 39(c).)

(15) By letter dated October 15, 2009, the FBI advised the plaintiff that after conducting its search it had not identified any records concerning plaintiff's business. (See Exhibit D.)

(16) In addition, following searches conducted in response to the June 15, 2009, FOIA/PA requests and the Court's September 24, 2009 Order, the FBI did not locate any responsive FBI investigatory records related to plaintiff that had not been previously released. The only records discovered were "administrative" type files that are typically not processed as part of a FOIA/PA request.

(17) These administrative files were offered to plaintiff in connection with his June 15, 2009 requests by letter dated November 30, 2009. Specifically, the FBI asked plaintiff, through his counsel, if he wished to receive "copies of his prior FOIPA request files, a copy of one serial in an Office of Professional Responsibility general file pertaining to his letter to Director Mueller, a copy of the litigation file related to Mr. Negley's prior lawsuit in the Western District of Texas, and two serials within a control file concerning the Congressional Inquiry he previously made." Again, the FBI advised plaintiff that these types of documents are not routinely processed under FOIA/PA unless specifically requested. The FBI also asked if plaintiff would like the documents he had previously received in connection with his other FOIA/PA requests. The FBI specifically requested that plaintiff provide his response in writing within 60 days, by mail or fax, to the RIDS Work Process Unit. (See Exhibit E.)

(18) After not receiving a response from plaintiff's counsel to its November 30, 2009 letter, the FBI again inquired, by letter dated January 8, 2010, if plaintiff wished to receive the

material outlined in the FBI's November 30, 2009 letter. (See Exhibit F.)

(19) Despite not having received a written response to its inquiry, the FBI's Work Process Unit forwarded the documents to its Backlog Manager to await assignment to a FOIA/PA analyst for processing on January 13, 2010.

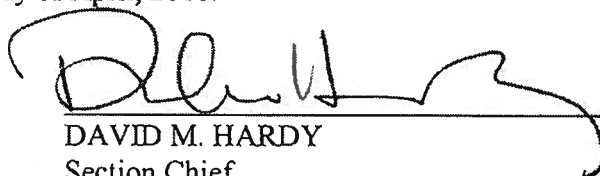
(20) On February 4, 2010, the Backlog Manager assigned the request to a FOIA/PA analyst for processing.

(21) On or about April 9, 2010, the FOIA/PA analyst began processing the requested documents.

(22) To date, the FBI has identified approximately 903 pages of potentially responsive administrative material to be processed. These 903 pages will require a minimum of two months to process and release.²

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibits A-F attached hereto are true and correct copies.

Executed this 22nd day of April, 2010.



DAVID M. HARDY
Section Chief
Records/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Winchester, Virginia

² This figure does not include the currently pending litigation "197" file. The FBI is in the process of collecting potentially responsive records from this litigation file and cannot estimate the size of the file at this time. However, for each 1000 pages of records identified as potentially responsive, the FBI estimates it will need approximately two months to process.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JAMES LUTCHER NEGLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-2126 (GK)
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
)	
Defendant.)	
_____)	

EXHIBIT A

PRASHANT K. KHETAN
202.662.2028 telephone
prashant.khetan@troutmansanders.com

TROUTMAN SANDERS

TROUTMAN SANDERS LLP
Attorneys at Law
401 9th Street NW
Suite 1000
Washington, District of Columbia
20004-2134
202.274.2950 telephone
202.654.5824 facsimile
troutmansanders.com

June 15, 2009

VIA FIRST-CLASS MAIL

FOIPA Section
Federal Bureau of Investigation
Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 20535

Re: FOIA Request for James Lutcher Negley

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 ("FOIA") and the attached April 28, 2009 letter from Department of Justice, we request that you provide a copy of all records in the possession of the Federal Bureau of Investigation relating, in any way, to James Lutcher Negley (D.O.B. 2/12/45; 3905 Laguna Vista Cove, Austin, TX 78746), to the undersigned. Attached is a Certification signed by Mr. Negley authorizing the release of such records. This request includes all records related to any permutation of James Lutcher Negley's name, as well as his business – Davis, Joseph & Negley (591 Redwood Highway, Suite 2155, Mill Valley, CA 94941). If any additional information would permit other or more detailed searches, please notify me and we will provide that information promptly.

As provided under FOIA, we would appreciate a reply within the requisite time (as we understand it, that time frame is twenty (20) working days). In the event that a determination is made that some or all of the documents requested are exempt from disclosure under FOIA, please identify those documents withheld and the basis for the agency's exemption in each instance. Additionally, if for any reason the requested information is not in your possession, please so advise and indicate, if possible, where such information can be obtained.

If there are fees involved for searching or copying the records we requested, please notify us of the amount required and we will forward a payment. If you have any questions regarding this request, please contact me at 202-662-2028. Thank you for your assistance.

Sincerely,

Prashant K. Khetan

Enclosures

ATLANTA CHICAGO HONG KONG LONDON NEW YORK NEWARK NORFOLK ORANGE COUNTY
RALEIGH RICHMOND SAN DIEGO SHANGHAI TYSONS CORNER VIRGINIA BEACH WASHINGTON, DC
1015654v1

U.S. Department of Justice RECEIVED

BY: _____

Washington, D.C. 20530

APR 28 2009

Prashant K. Khetan
401 9th Street NW, Ste. 100
Washington, DC 20004-2134

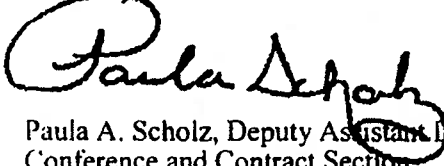
Re: James L. Negley

Dear Mr. Khetan:

Your Freedom of Information Act and/or Privacy Act (FOIA/PA) request was received by this office which serves as the receipt and referral unit for FOIA/PA requests addressed to the Department of Justice (DOJ). Federal agencies are required to respond to a FOIA request within 20 business days. This period does not begin until the request is actually received by the component within the DOJ that maintains the records sought, or ten business days after the request is received in this office, whichever is earlier.

Persons making requests under the Privacy Act (5 U.S.C. 552a (b)) on behalf of another person must furnish written authorization from that person for release of the information. The enclosed Form DOJ-361, Certification of Identity, may be used for this purpose. Please return the authorization with a request to the component(s) you select at the address(es) shown on the enclosed List of Department of Justice Components, Functions and Records Maintained.

Sincerely,



Paula A. Scholz, Deputy Assistant Director
Conference and Contract Section
Facilities and Administrative
Services Staff
Justice Management Division

Enclosures
Certification of Identity
List of Department of Justice Components,
Functions and Records Maintained
Incoming Letter

U.S. Department of Justice

Certification of Identity



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ James Latcher Negley

Citizenship Status ² USA Social Security Number ³ FRCP 5.2/L.R. 5.4(f)(1)

Current Address PO Box 1028 Mill Valley, Ca 94942

Date of Birth FRCP 5.2/L.R. 5.4(f)(3) Place of Birth New Orleans, La

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ James J Negley Date 11 May 09

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Prashant K Khetan esq. Troutman Sanders
Print or Type Name

¹ Name of individual who is the subject of the record sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

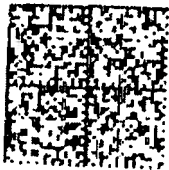
⁴ Signature of individual who is the subject of the record sought.

TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

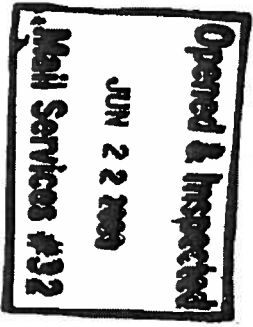
401 9TH STREET, N.W.
SUITE 1000
WASHINGTON, D.C. 20004-2134

FOIPA Section
Federal Bureau of Investigation
Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 20535



Hasler

012-10212019
\$00.440
06/15/2009
Mailed From: 20004
US POSTAGE



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES LUTCHER NEGLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-2126 (GK)
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

EXHIBIT B

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535

July 22, 2009

MR. PRASHANT K. KHETAN, ESQ.
TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
SUITE 1000
401 9TH STREET NORTHWEST
WASHINGTON, DC 20004 2134

FOIPA Request No.: 1133487- 000
Subject: NEGLEY, JAMES LUTCHER

Dear Mr. Khetan:

- This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant 28 U.S.C. § 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- We are searching the indices to our Central Records System for the information you requested, and will inform you of the results as soon as possible.
- Processing delays have been caused by the large number of requests received by the FBI. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the signature line.

David M. Hardy

Section Chief,
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JAMES LUTCHER NEGLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-2126 (GK)
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
)	
Defendant.)	
_____)	

EXHIBIT C

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535

July 22, 2009

MR. PRASHANT K. KHETAN, ESQ.
TROUTMAN SANDERS LLP
SUITE 1000
401 9TH STREET NORTHWEST
WASHINGTON, DC 20004 2134

FOIPA Request No.: 1134498- 000
Subject: DAVIS, JOSEPH & NEGLEY

Dear Mr. Khetan:

- This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant 28 U.S.C. § 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- We are searching the indices to our Central Records System for the information you requested, and will inform you of the results as soon as possible.
- Processing delays have been caused by the large number of requests received by the FBI. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the typed name.

David M. Hardy

Section Chief,
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES LUTCHER NEGLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-2126 (GK)
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

EXHIBIT D



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 14, 2009

MR. PRASHANT K. KHETAN
TROUTMAN SANDERS LLP
SUITE 1000
401 9TH STREET NORTHWEST
WASHINGTON, DC 20004 2134

Request No.: 1134498- 000
Subject: DAVIS, JOSEPH & NEGLEY

Dear Mr. Khetan:

This responds to your Freedom of Information/Privacy Acts (FOIPA) request for Davis Joseph & Negley.

Based on the information you provided, we conducted a search of the ICM, ECF, ACS and indices to our Central Records System, as well as the Electronic Surveillance (ELSUR) Index and the Zy database. We were unable to identify responsive main file records. If you have additional information pertaining to the subject and you believe it was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be identified easily.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy", is positioned above the typed name.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure

FBI FILE FACT SHEET

- The primary function of the FBI is law enforcement.
The FBI does not keep a file on every citizen of the United States.
- **The FBI was not established until 1908 and we have very few records prior to the 1920's.**
- **FBI files generally contain reports** of FBI investigations of a wide range of matters, including counterterrorism, foreign counter-intelligence, organized crime/drugs, violent crime, white-collar crime, applicants, and civil rights.
- **The FBI does not issue clearances or nonclearances for anyone other than its own personnel or persons having access to FBI facilities.** Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should write directly to that entity.
- **An FBI identification record or "rap sheet" is NOT the same as an FBI "file"** - it is simply a listing of information taken from fingerprint cards submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI, CJIS Division, Attn: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Each request must have proof of identity which shall consist of **name, date and place of birth and a set of rolled-ink fingerprint impressions** placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies, plus **payment of \$18.00** in the form of a certified check or money order, payable to the Treasury of the United States.
- **The National Name Check Program (NNCP)** conducts a search of the FBI's Universal Index to identify any information contained in FBI records that may be associated with an individual and provides the results of that search to the requesting Federal, State or local agency. For the NNCP, a name is searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine whether it is applicable to the individual in question.
- **The Record/Information Dissemination Section/Freedom of Information-Privacy Acts (FOIPA)** search for records provides copies of FBI files relevant to a FOIPA request for information. FOIPA provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject name, event, activity, business, or event is searched to determine whether there is an investigative file associated with the subject. This is called a "main file search" and differs from The NNCP search.

**FOR GENERAL INFORMATION ABOUT THE FBI,
CHECK OUT OUR WEBSITE AT
<http://www.fbi.gov>**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JAMES LUTCHER NEGLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-2126 (GK)
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
)	
Defendant.)	
_____)	

EXHIBIT E



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 30, 2009

MR. PRASHANT K. KHETAN, ESQ.
TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
SUITE 1000
401 9TH STREET NORTHWEST
WASHINGTON, DC 20004 2134

FOIA/PA Request No.: 1133487- 000
Subject: NEGLEY, JAMES LUTCHER

Dear Mr. Khetan:

This is in regard to the above referenced Freedom of Information/Privacy Act (FOIA/PA) request submitted by you on behalf of your client, James Lutcher Negley.

We are inquiring as to whether your client wishes to receive copies of his prior FOIA/PA request files, a copy of one serial in an Office of Professional Responsibility general file pertaining to his letter to Director Mueller, a copy of the litigation file related to Mr. Negley's prior lawsuit in the Western District of Texas, and two serials within a control file concerning the Congressional Inquiry he previously made. Please be advised that the FBI does not routinely process this type of material unless it is specifically requested. In addition, please let us know whether your client would like to receive the material he previously received in response to his prior FOIA/PA requests. Please advise within 60 days from the date of this letter, by fax or regular mail, if your client would like this material to be processed. Please remember to place FOIA/PA request number 1133487-000 on all correspondence concerning this request.

As your client has previously received 100 pages free of charge, duplication fees in the amount of ten cents per page will apply to any further release made. If charges exceed \$25 you will be notified accordingly.

Your written response should be sent by mail or fax to:

Work Process Unit
Record Information/Dissemination Section
Records Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602

(540) 868-4996, Attention: Work Process Unit.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy", is positioned above the typed name.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES LUTCHER NEGLEY,)
)
Plaintiff,)
)
v.) Civil Action No. 03-2126 (GK)
)
UNITED STATES DEPARTMENT OF JUSTICE,)
)
Defendant.)

EXHIBIT F



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

January 8, 2010

MR. PRASHANT K. KHETAN, ESQ.
TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
SUITE 1000
401 9TH STREET NORTHWEST
WASHINGTON, DC 20004 2134

FOIA/PA Request No.: 1133487-000
Subject: NEGLEY, JAMES LUTCHER

Dear Mr. Khetan:

The purpose of this letter is to advise you of the status of your client's pending Freedom of Information/Privacy Act (FOIA/PA) request to the Federal Bureau of Investigation (FBI). The FBI is currently awaiting a response from your client to its November 30, 2009 letter inquiring whether he would like the records previously provided to him in response to his prior FOIA/PA requests as well as the administrative and litigation files specified therein.

Until we receive a response from your client, we are unable to continue processing his request. If we do not receive a response by January 29, 2010, the FBI will assume that your client is not interested in receiving the records referenced in its November 30, 2009 letter and will not process this material. Please remember to place FOIA/PA request number 1133487-000 on all correspondence concerning this request.

Your written response should be sent by mail or fax to:

Work Process Unit
Record Information/Dissemination Section
Records Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602

(540) 868-4996 (Fax), Attention: Work Process Unit.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the signature line.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division