

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

JAMES LUTCHER NEGLEY,

Plaintiff,

v.

**FEDERAL BUREAU OF
INVESTIGATION,**

Defendant.

Civil Case No. 03-2126 (GK)

EXHIBIT A

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

JAMES LUTCHER NEGLEY,

Plaintiff,

v.

**FEDERAL BUREAU OF
INVESTIGATION,**

Defendant.

Civil Case No. 03-2126 (GK)

SECOND DECLARATION OF JAMES LUTCHER NEGLEY

I, James Lutch Negley, declare as follows:

1. I am over the age of eighteen (18) years, I am competent to be a witness and have personal knowledge of the facts and matters stated herein.
2. This declaration is being submitted in support of the pending briefing for the cross-motions for summary judgment.
3. I am a veteran of the Vietnam War, having served as an armed observer on a Scout helicopter with the First CAV.
4. I have devoted my professional life to the development of Copper Indium Gallium Selenium ("CIGS") thin-film photovoltaic technology. My goal is and has been to research and utilize this technology for the purpose of producing utility scale electricity.
5. In 1987, I incorporated Davis, Joseph & Negley (a California Corporation) to further research and develop CIGS technology. I have been funding the research and development of this energy source for over twenty years, utilizing one of the premier university laboratories in the country located at the University of Delaware Institute of Energy Conversion

in Newark, Delaware, as well as the National Renewable Energy Laboratory in Golden, Colorado.

6. The development and commercialization of this technology would be an invaluable public benefit as a renewable energy source. There is also a potential for great financial return should the technology be commercialized. The scientists and researchers involved also stand to gain if this project is a success.

7. As a result of the public and financial value of the development of this technology, I believe that I have been, and continue to be, investigated. For example, I have experienced intentional damage to my research equipment and my car has been broken into and tampered with. I also have experienced numerous break-ins at my home and believe I have been the subject of wiretaps on my telephone line.

8. On January 16, 2002, I submitted a request, under the Freedom of Information Act ("FOIA"), to the Federal Bureau of Investigation (the "FBI") for all records about me maintained at and by the San Francisco Field Office of the FBI (the "SFFO").

9. On April 23, 2002, I wrote to the FBI, seeking to amend my January 16, 2002 FOIA request. My amended FOIA request reads, in relevant part:

As you can see my San Francisco FBI file no. is 149A-SF-106204-Sub S-1575. Please amend my 1/16/2002 FOIA request to your office to include this file no. as well as any others.

In addition to my initial request seeking files from the SFFO, this amended request adds a specific file number to my request and broadens the scope to "any other" files about me.

10. My intent in filing an amended request was to assure a search for and production of all responsive documents. In no way did I intend my amendment to limit the scope of the

requested records to those maintained at or by the SFFO or any other office. Had I intended to do so, I would have explicitly stated as such.

11. As of June 2009, I had been trying for nearly a decade to acquire from the FBI all records responsive to my FOIA request. Despite what I perceived as success in the pending litigation, I believed that the FBI continued to withhold responsive documents.

12. At that time, it had been nearly two years since the parties filed motions for summary judgment. I did not believe that there was any method by which to compel the FBI or the Court to move the case forward.

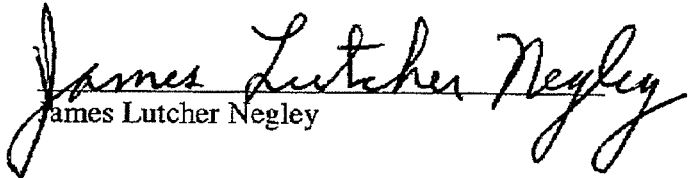
13. Moreover, I was advancing in age (I am currently 66 years old) and at the time, was experiencing some financial strain.

14. I felt that I had no choice but to file a subsequent FOIA request on June 15, 2009, which sought all records related to me, as well as my business Davis, Joseph & Negley.

15. This 2009 FOIA request was not intended to and did not replace or supersede my pending FOIA request, which has been the subject of the pending litigation since 2003.

16. In response to this 2009 FOIA request, I received numerous letters from the FBI demanding that I pay certain amounts of money in order to receive responsive documents, which I have done via communication from my counsel with the FBI. Subsequently, I received two large productions of documents (exponentially more than I have received in the pending litigation), but was informed that some 2,000 documents had yet to be reviewed and produced. I have not received any documents since December 2010.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND ACCURATE, EXECUTED ON JUNE 1, 2011.**


James Lutchner Negley