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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10) CASE NUMBER: 2:21-cv-00533
11)
12 THE DIENNET PHARMACY; DR. MARCEL) EXHIBIT 2 TO COMPLAINT FOR
13 DIENNET,) INJUNCTIVE AND DECLARATORY RELIEF
14) (FREEDOM OF INFORMATION ACT).
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26)
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28)
Plaintiffs,
- vs -
UNITED STATES DEPARTMENT OF
JUSTICE; DRUG ENFORCEMENT
ADMINISTRATION,
Defendants.

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May 28, 2020

Via email and USPS

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Drug Enforcement Administration (DEA)

8701 Morrisette Drive

Springfield, Virginia 22152

Re: FOIA Request Diennet Pharmacy OIP A-2020-00033, DEA FOIA 20-00076-P

Dear Ms. Jones, Ms. Davis, and Ms. Scott,

In correspondence dated February 19,2020, Chelsea Scott asked the requesting party to narrow the scope of the request by providing a “date/time frame” to be searched pertaining to the Diennet Pharmacy’s “compliance with past DEA licenses.” The request includes records relating in whole or part to the Diennet Pharmacy’s compliance with past DEA licenses. We do not at this time wish to narrow the scope of the requested documents. The request simply seeks all records in the DEA’s possession that deal in whole or in part with the Diennet Pharmacy’s compliance or failure to comply with its past DEA licenses.

Ms.Scott’s correspondence also states that requested records “pertaining to DEA #BT7598569 and #W17098851A” will be searched. While those records *should* be searched, the FOIA request clearly requests more than the records in DEA #BT7598569 and #W17098851A.

In addition to records relating to DEA #BT7598569 and #W17098851A, the request also seeks copies of “[a]ll documents that relate in whole or in part to Dr. [Marcel] Diennet or the Diennet Pharmacy,” including but not limited to all records relating to the Diennet Pharmacy’s “applications for registration or re-registration or extension of registration as a retail pharmacy ... [and] any

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communications between any employee of the DEA and any person employed by the California Pharmacy Board regarding any matter concerning the Diennet Pharmacy.”

Please advise me via email or regular mail when you expect the search and the pending appeal to be processed.

As stated in my previous correspondence, if DEA or DOJ find it impossible to produce all documents called for by the request within the statutorily prescribed time limits, which have now already passed, please promptly produce all documents that have been located to date and advise us when you believe the remainder of the documents requested will be produced.

As we stated in the initial request letter, if the DEA or DOJ locate documents responsive to the requests regarding which it or they claim an exemption in whole or in part from disclosure, please identify (1) the author and his/her position in the Government, (2) the addressee(s), (3) the date of the document(s), (4) the general topic of the document(s), (5) the number of pages in the document(s), and (6) the specific exemption(s) claimed. If you claim an exemption to part(s) of a document, please produce the portion(s) for which no exemption is claimed and provide the information listed above for the portion(s) for which exemption(s) is/are claimed. This will permit us to determine whether or not to seek judicial review of any claims of exemption(s).

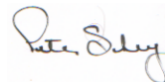
The requested records limited in scope, clearly defined, and should all be in the possession of the DEA headquarters and its Los Angeles field office. The term “document” is also clearly defined in the request letter and includes, for example, directives, files, reports, emails, notes, letters, instructions, and memoranda, whether maintained in paper, digital, or any other form. Los Angeles Diversion Investigator Kevin Buntrock has been at least one DEA employee involved with the Diennet Pharmacy’s compliance and applications for registration or re-registration or extension of registration, and may also have had written communications with the California Pharmacy Board regarding the Diennet Pharmacy.

If we do not hear from DEA or DOJ fairly promptly, we may deem the non-response to be the functional equivalent of a denial of the request and may seek judicial review.

If you have any questions please feel free to call the undersigned at (323) 251-3223, or email at peter@peterschey.com.

Thank you for your consideration and assistance.

Sincerely,



Peter A. Schey, Esq.