

# **EXHIBIT 12**

**From:** [Amber Thomson](#)  
**To:** [Toland, Michael \(Federal\)](#)  
**Cc:** [Cate, Alicia](#); [Graff, Mark \(Federal\)](#); [Smith, Beverly \(Federal\)](#); [Aaron George](#)  
**Subject:** RE: FOIA Requests DOC-OS-2018-000373 and DOC-NOAA-2018-000377  
**Date:** Thursday, April 12, 2018 8:20:12 AM

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Dr. Toland-

Thank you for your prompt response to our correspondence. It is most appreciated.

As we have communicated to agency FOIA contacts over the past four months, we are more than amenable to accepting the interim release of the requested records.

While we understand that this may be “complex” request, we have been assured since January that the records would be forthcoming. We are now at 90 business days since submission of our requests, and have understandably become concerned with the agency’s failure to substantively respond.

We look forward to hearing from you soon.

Best Regards,  
Amber Thomson  
202.747.2658 | direct  
202.747.3908 | direct fax  
[AThompson@sheppardmullin.com](mailto:AThompson@sheppardmullin.com) | [Bio](#) | [LinkedIn](#)

## SheppardMullin

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**From:** Toland, Michael (Federal) [mailto:MToland@doc.gov]  
**Sent:** Thursday, April 12, 2018 6:04 AM  
**To:** Amber Thomson <AThompson@sheppardmullin.com>  
**Cc:** Cate, Alicia <acate@oceana.org>; Graff, Mark (Federal) <Mark.Graff@noaa.gov>; Smith, Beverly (Federal) <Beverly.Smith@noaa.gov>; Aaron George <ageorge@sheppardmullin.com>  
**Subject:** Re: FOIA Requests DOC-OS-2018-000373 and DOC-NOAA-2018-000377

Dear Ms. Thompson:

Thank you for reaching out to me about your client's requests. I will assess statuses and work with the appropriate program offices on providing documents that may be responsive to the

subject requests. I will contact you as soon as I have more information. Initially, steps towards completion may include interim releases of records, if applicable. Please let me know if this will be acceptable.

Please do not hesitate to contact me should you need additional information or have any questions related to this matter.

Sincerely,

*Michael J. Toland, Ph.D.*  
*Deputy Chief Freedom of Information Act Officer,*  
*Department Privacy Act Officer*  
*and Deputy Director FOIA/Privacy Act Operations*  
*U.S. Department of Commerce*  
*Office of Privacy and Open Government*  
*Office: (202) 482-3842*  
*Email: [mtoland@doc.gov](mailto:mtoland@doc.gov)*

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**From:** Amber Thomson <[AThompson@sheppardmullin.com](mailto:AThompson@sheppardmullin.com)>

**Sent:** Wednesday, April 11, 2018 6:27 PM

**To:** Toland, Michael (Federal)

**Cc:** Cate, Alicia; Graff, Mark (Federal); Smith, Beverly (Federal); Crawford, Ayana (Contractor); Aaron George

**Subject:** FOIA Requests DOC-OS-2018-000373 and DOC-NOAA-2018-000377

Dr. Toland –

Attached, please find correspondence on behalf of our client, Oceana, detailing the agency's repeated failures to respond to Oceana's FOIA requests.

We look forward to working with you towards a prompt resolution of this matter.

Best Regards,

Amber Thomson

202.747.2658 | direct

202.747.3908 | direct fax

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