

EXHIBIT 6

From: MATTHEW, TABATHA D GS-09 USAF AETC 502 CS/SCOK <tabatha.matthew.1@us.af.mil>
Sent: Monday, March 29, 2021 2:11 PM
To: Ringger, Devin Charles
Cc: COBURN, RAYMOND W CIV USAF AETC 502 CS/SCOK; Yancey, Jamielah; Blask, Ariel; Reddick, Nicholas
Subject: RE: Appeal for FOIA 2020-02975-F

*** EXTERNAL EMAIL ***

Mr. Ringger,

We will process your appeal. I will send you an official acknowledgement email regarding the appeal case number and other information.

Very Respectfully,

Tabatha D. Matthew, GS-09, DAF
JBSA FOIA/PA Manager
502 CS/SCOK-Randolph
151 J Street East
JBSA-Randolph TX 78150-4342

☎ DSN: 487-2186/2165 ☎ Comm: (210) 652-2186/2165

☎ Fax (210) 652-8152

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Email: tabatha.matthew.1@us.af.mil

FOIA & PA Org Box Email: 502CS.FOIAandPAWorkflow.Workflow@us.af.mil

PAL: <https://efoia.milcloud.mil/App/Index.aspx>

JBSA FOIA Info: <https://www.jbsa.mil/Information/Freedom-of-Information-Act/>

From: Ringger, Devin Charles <DRingger@willkie.com>

Sent: Monday, March 29, 2021 10:56 AM

To: MATTHEW, TABATHA D GS-09 USAF AETC 502 CS/SCOK <tabatha.matthew.1@us.af.mil>

Cc: COBURN, RAYMOND W CIV USAF AETC 502 CS/SCOK <raymond.coburn.2@us.af.mil>; Yancey, Jamielah <JYancey@willkie.com>; Blask, Ariel <ABlask@willkie.com>; Reddick, Nicholas <NReddick@willkie.com>

Subject: [Non-DoD Source] RE: Appeal for FOIA 2020-02975-F

Importance: High

Ms. Matthew (and Mr. Coburn),

Thank you for your e-mail. I tried to give you a call to discuss the below this morning, but am following up now by e-mail and am available to discuss today by phone at your convenience.

I believe that we have a misunderstanding as to when Willkie Farr & Gallagher LLP (“Willkie”) was actually provided the letter to which you refer, which—per the attached two e-mails from you **on December 2, 2020**—were not actually “closed” or provided to Willkie until you yourself delivered them on December 2, 2020 (as opposed to the incorrect date on the notice, which appears to have been backdated to November 25, 2020). Furthermore, on that same day,

November 25, 2020, you yourself indicated by e-mail that the appeal was still “with the final releasing authority or Initial Denial Authority for review and signature,” and further added that on that same date, you were “hoping to have your FOIA finalized over the next few weeks.” The Agency is simply mistaken that Willkie’s administrative appellate rights began to run as of that date, when you yourself conceded that the production had neither been approved, nor released, nor even signed, and that you yourself did not expect such finalization to take place for weeks. Instead, you provided that final release only on December 2, 2020, the date that Willkie’s appellate rights actually began to run, regardless of the incorrect date on the internal transmission letter.

Thus, it is Willkie’s position that, while the incorrect date on the attachment may have indicated 25 November 2020, the communication actually conveying and attaching the production and the “adverse response” to our FOIA request (i.e., your e-mail) was not dated until December 2, 2020, when they were transmitted to Willkie. This comports with JBSA FOIA regulations, which indicate that Willkie may appeal in writing within 90 calendar days from the date conveying the Agency’s response as an adverse action, which did not occur until December 2, 2020. It is thus Willkie’s position that that Willkie cannot fairly (or legally) be imputed with the Agency’s 8-day delay in your system from November 25 to December 2, 2020, which instead is the date that controls Willkie’s administrative appellate rights. Furthermore, 90 days from that date is March 2, 2021, the date you concede Willkie submitted its appeal.

Given the above, Willkie asks that you please revisit your incorrect determination that our appeal has been closed, and provide a full appellate determination within 20 working days of today (March 29, 2021). As you know, a FOIA appeal-seeker’s rights require that an administrative appellate decision be reached within 20 working days of submission, which would mean that our appeal would be due within 20 working days of March 2, 2021 (i.e., the Agency’s response would be due tomorrow, March 30, 2021). However, given that you have been out of the office and only returned recently, and given your misunderstanding of when Plaintiff was actually in receipt of the letter providing the adverse response, Willkie is willing to grant the Agency the additional 20 days from today to provide a formal appellate decision upon your confirmation that a full appeal will be granted to our FOIA request. If, however, the Agency is unwilling to reconsider its mistaken and premature closing of Willkie’s FOIA appeal, Willkie will be forced to begin litigation to vitiate our rights. We believe such litigation is entirely unnecessary and costly—especially considering that our appeal is limited to just a single FOIA—but without reconsideration of the Agency’s mistaken closing of our case, we will be left with no alternative. Please advise no later than tomorrow, March 30, 2020, whether JBSA will be conducting a full appeal of FOIA 2020-02975-F.

Thank you for your time and attention to this matter; I am available to discuss this matter by phone at your convenience.

Best,
Devin

Devin Charles Ringger
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Direct: +1 202 303 1463 | Fax: +1 202 303 2463
dringger@willkie.com | [vCard](#) | www.willkie.com bio
Pronouns: he, him, his

From: MATTHEW, TABATHA D GS-09 USAF AETC 502 CS/SCOK <tabatha.matthew.1@us.af.mil>
Sent: Friday, March 26, 2021 4:28 PM
To: Ringger, Devin Charles <DRingger@willkie.com>
Cc: COBURN, RAYMOND W CIV USAF AETC 502 CS/SCOK <raymond.coburn.2@us.af.mil>
Subject: Appeal for FOIA 2020-02975-F

Mr. Ringger,

We received your appeal in our office on 11 March 2021. However, due to me teleworking the remainder of that week and then going on vacation from 15 – 23 March, today is my first day back in the office. Therefore, this is the reason why I am just getting an opportunity to respond to you regarding your FOIA Appeal to FOIA 2020-02975-F.

The date of your FOIA Appeal is 2 March 2021. Due to the postmark/date of the appeal, unfortunately the appeal is postmarked after the conclusion of this 90-calendar day period that was stated in the appeal rights of the Final Response Memorandum, dated 25 November 2020. Therefore, this appeal is considered closed. Please review the appeal rights statement on the second page of the attached memorandum. I also included a portion of the statement below as well. The date stamp is included in the signature block where Colonel Trotter digitally signed the memo on 25 November 2020.

“If you decide to appeal this decision, your appeal letter must be postmarked no later than 90 calendar days after the date of this letter. If no appeal is received, or if the appeal is postmarked after the conclusion of this 90-day period, the appeal is considered closed.”

Please feel free to contact me and I also included my supervisor on this email. Let me know if you have any further questions regarding this appeal.

Very Respectfully,

Tabatha D. Matthew, GS-09, DAF
JBSA FOIA/PA Manager
502 CS/SCOK-Randolph
151 J Street East
JBSA-Randolph TX 78150-4342

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Email: tabatha.matthew.1@us.af.mil

FOIA & PA Org Box Email: 502CS.FOIAandPAWorkflow.Workflow@us.af.mil

PAL: <https://efoia.milcloud.mil/App/Index.aspx>

JBSA FOIA Info: <https://www.jbsa.mil/Information/Freedom-of-Information-Act/>

From: NoReplyTo@mail.mil <NoReplyTo@mail.mil>

Sent: Wednesday, December 2, 2020 12:40 PM

To: MATTHEW, TABATHA D GS-09 USAF AETC 502 CS/SCOK <tabatha.matthew.1@us.af.mil>

Subject: [DoD SAFE] Devin Ringger has picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: QoiktXrYM3hiKdVS) has been picked-up.

The file "Final Response Memorandum to Mr. Gottlieb - 25 November 2020.pdf" was picked up by "Devin Ringger" using the code sent to "dringger@willkie.com".

Note: You will not be notified about any further pick-ups of files in this drop-off by this recipient.

Full information about the drop-off:

Claim ID: QoiktXrYM3hiKdVS

Date of Drop-off: 2020-12-02 15:28:38 UTC

Note:

Final Response to FOIA # 2020-02975-F

— Sender —

Name: MATTHEW.TABATHA.D
Organization: USAF
Email Address: tabatha.matthew.1@us.af.mil

— Files —

Name: Final Response Memorandum to Mr. Gottlieb - 25 November 2020.pdf
Description:
Size: 331.4 KB
SHA-256
Checksum: 93E4C987C1E4DD8FF80396E747C013392830F96EA4DBF0C03B98BFD1EA9C4581
Content Type: application/pdf

Name: 8511 0018 Mod 08 signed copy clean_Redacted.pdf
Description:
Size: 1.0 MB
SHA-256
Checksum: 544AD29D82249EEE104E29FDDEA801106D250AAB79E89FD826F13F462B6D1277
Content Type: application/pdf

Name: Action and RFP on Mod 06 clean_Redacted.pdf
Description:
Size: 1.5 MB
SHA-256
Checksum: E2091B7E0C880FA9DADA35706FC2481BB4596991E172D46032D743AAEA241B4F
Content Type: application/pdf

Name: AF-06-008 Shindand_Redacted.pdf
Description:
Size: 5.8 MB
SHA-256
Checksum: CEB67BBCAB3672B4D4460CD35E320D90A6A6E11E3EFCD4F419A8D3AB3FBBAF72
Content Type: application/pdf

Name: Appendix A1 19-38 - Clean FR.pdf
Description:
Size: 406.4 KB
SHA-256
Checksum: 4DF075462B9382EA92A57538B4AF26F12C2EB16902D75905CBAFD328830524CF
Content Type: application/pdf

Name: Appendix A1 pgs 1-18 of 39_Redacted.pdf
Description:
Size: 971.8 KB
SHA-256
Checksum: EB3C79E972E321568D5AB96C85A8B2405C76926712213FC5D8FEB85A406E85AB
Content Type: application/pdf

Name: Appendix A2 and A5_Redacted.pdf
Description:
Size: 2.2 MB
SHA-256
Checksum: C961D500FD4A997B5B12F5BD28EED8531BD90329352AEC4E54179BD22F8EA9E8
Content Type: application/pdf

Name: Attach 2 TO 0018_Redacted.pdf
Description:
Size: 1.3 MB
SHA-256
Checksum: 270E8D65263CBA0FA6DFCABF1A5B562A0DD1008FE48B237675FF7823142E5FE6
Content Type: application/pdf

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Size: 32.0 KB
SHA-256
Checksum: 1B431FFCFAE7FF2125123539DD587D4E26C80747595443498E3E8DCEE1AEF654
Content Type: application/pdf

Name: BMcD Fee Letter.doc_Redacted.pdf
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Size: 45.0 KB
SHA-256
Checksum: CDAF54FE6F54AEA7D41FAB4AFC4D66BBB53F5BA0C0E69736B5E631571C239CCC
Content Type: application/pdf

Name: BUYPLAN_Redacted.pdf
Description:
Size: 1.2 MB
SHA-256
Checksum: 57A933DD4FD5A0031B7F10963CE5854F08C6F5944B99AAD9180B060DA7B202B9
Content Type: application/pdf

Name: CENTCOM Sand Book clean FR.pdf
Description:

Size: 238.7 KB
SHA-256
Checksum: FAB3C8F0875A76D44AF3FD74E0373A6940583A55665D53D5439117F4CCE971
Content Type: application/pdf

Name: Constrution_Sub_Bid_Tabulation_Redacted.pdf
Description:
Size: 90.6 KB
SHA-256
Checksum: 7A3D4CF9C8845FAB47EF0B2584355D89E996E50634DA08E13B1F5FA94E1299C5
Content Type: application/pdf

Name: Contr Pricing Proposal 28 Aug 2008_Redacted.pdf
Description:
Size: 11.0 MB
SHA-256
Checksum: 6B309201512364787998FAB7F6AC9855B81BE5A8933033BBC51C479B2303961C
Content Type: application/pdf

Name: Contract File Checklist_Redacted.pdf
Description:
Size: 756.1 KB
SHA-256
Checksum: 469FAC52303BEF7035574975A4E7AC0F67B50038524F6BBB23FB13DA743ECBD9
Content Type: application/pdf

Name: Copy of ECC Shindand Cost 2 March 07_Redacted.pdf
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Size: 834.5 KB
SHA-256
Checksum: 49D6CB7102DEF5F3D3EBC2EA502D38F6CC07C0F5B3588A6F56309EDB99E8CD
Content Type: application/pdf

Name: COR appt_Redacted.pdf
Description:
Size: 111.1 KB
SHA-256
Checksum: BD534DE1A57F3CFF7370E9E65AC8F3F50B8FAF5889FB0425A5BD6EBA37F95DB1
Content Type: application/pdf

Name: Cost AND Pricing Support w Various SubContractors_Redacted.pdf
Description:
Size: 587.5 KB
SHA-256
Checksum: 7487931C211FBF2C5C108F55EE78D472D6A87D2416232B379BFDDDA8BAF19227

Content Type: application/pdf

Name: Cost Price Eval Report_Redacted.pdf
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Size: 3.5 MB
SHA-256
Checksum: 98CECDD27D23DB7CCF02349E1E2F35443CC25F24B802F2AD8617FA16D3D1E4FD
Content Type: application/pdf

Name: Cost Proposal 30 July 2008_Redacted.pdf
Description:
Size: 17.3 KB
SHA-256
Checksum: 05CFD8D7CED9A3F40EAA7282DCA1D12552698BB14E777C9D6002F61853DAC00E
Content Type: application/pdf

Name: D and F Bond Waiver_Redacted.pdf
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Size: 97.0 KB
SHA-256
Checksum: 6967539B9E80C544E7A1FB3390C3A78AD10CDD328C4C6DEB9B37EB4772562214
Content Type: application/pdf

Name: D and Fs_Redacted.pdf
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Size: 458.5 KB
SHA-256
Checksum: 75D92E5EF5FBACC0AD9F8E1BE26E339CC31E05ECB1E837FE7A199582D516732D
Content Type: application/pdf

Name: ECC AF 06-008 Shindand 2 March 07_Redacted.pdf
Description:
Size: 37.2 KB
SHA-256
Checksum: 5EC97E7D51271C63CAB13FE2A425AA1FAB4A526B5B6D3C35AD9275F0E38CC87E
Content Type: application/pdf

Name: ECC Tech Eval_Redacted.pdf
Description:
Size: 905.6 KB
SHA-256
Checksum: 986F728BAC2769505A2EA4B9600E6B8506AE64B8AA4BF2F1A0198DABE2C08B17
Content Type: application/pdf

Name: Ehsaan_Construction_Shindand_Bid_Redacted.pdf

Description:

Size: 261.1 KB

SHA-256
Checksum: 31CF5D24983DB7F15925373609BD5B3602CF62FAA891FFD5591DF7F9CC44D16E

Content Type: application/pdf

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