

**Exhibit G**



August 5, 2020

**Commandant (CG-611)**  
ATTN FOIA OFFICER  
US COAST GUARD STOP 7710  
2703 MARTIN LUTHER KING JR AVE SE  
WASHINGTON DC 20593-7710

re: Freedom of Information Act Request of The Downs Law Group, P.A.

SENT VIA EMAIL to: [efoia@uscg.mil](mailto:efoia@uscg.mil)

Dear Coast Guard Freedom of Information Act Officer,

I am writing on behalf of my client, The Downs Law Group, P.A., whose address is 3250 Mary St. Suite 307, Coconut Grove, FL 33133. Their business telephone number is (305) 444-8226.

Mr. Craig Downs, principal of The Downs Law Group, P.A., has executed a Declaration, allowing me to represent his firm, communicate with the Coast Guard regarding this request and receive records on behalf of The Downs Law Group, P.A.

The Declaration, along with Mr. Down's Florida driver license, is attached to this request as Exhibit A.

#### I. REQUEST

The Downs Law Group, P.A. requests, pursuant to the Freedom of Information Act (hereafter FOIA), a copy of the following records:

- a. All records in possession or control of the Coast Guard which shows approval of, commendation for, medals for, approbation for, letters of commendation for all Coast Guard personnel, whether reservist, active duty or auxiliary, for service during the clean-up of the BP Deepwater Horizon Oil Spill.

- b. All records (specifically media releases, press releases) in possession or control of the Coast Guard which release news of commendations of specific Coast Guard personnel (whether reservist, active or auxiliary) bringing to the public's attention the service of Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.
- c. All records (specifically media releases to Coast Guard publications or hometown newspapers) of Coast Guardsmen bringing to the public's attention the service of Coast Guardsmen (whether reservist, active or auxiliary) during the clean-up of the BP Deepwater Horizon Oil Spill.
- d. All records (not limited to commendations, medals, documents, certificates) that were issued to individual Coast Guardsmen, whether reservist, active duty or auxiliary, and their units during the clean-up of the BP Deepwater Horizon Oil Spill.
- e. All records that depict the names of Coast Guardsmen, whether reservist, active, or auxiliary, who served on the water during the clean-up of the BP Deepwater Horizon Oil Spill.
- f. All records that would lead to the public's understanding of the names and numbers of Coast Guard personnel, whether reservist, active duty or auxiliary, during the clean-up of the BP Deepwater Horizon Oil Spill.
- g. All records (specifically photographs) that show the work of reservist, active duty, or auxiliary Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.
- h. All records sent by the Coast Guard to the Congress describing commendable actions by reservist, active duty, or auxiliary Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.

## II. INFORMATION HELPFUL TO THE COAST GUARD IN FULFILLING THIS REQUEST

In 2010, the Nation suffered a disaster of historic proportions to the Gulf Coast as a consequence of the BP Deepwater Horizon Oil Disaster. The clean-up involved thousands of people, including active duty Coast Guardsmen and Coast Guard Auxiliary personnel. The Coast Guard was a major agency involved in the clean-up. This request concerns records, including memoranda, data bases, emails, photographs, and other records of the people involved in the cleanup. The aftermath, exposing Coast Guard personnel to the carcinogenic mixture of oil and clean-up chemicals, sickened and caused great harm to the victims, including instances of cancer. The National media continues to write stories about the consequences of the disaster.

## III. TIME FRAME OF THIS REQUEST

The time frame for records sought by this FOIA request is for all records responsive to this request created or received during calendar year 2011, 2012, 2013, and 2014.

#### IV. PROCESSING COSTS

My client is prepared to pay for the records sought, up to a maximum of \$100. If additional fees are required to process this request, my client may pay those increased costs, but only if there is a signed writing by my client, agreeing to pay for additional or increased costs. If narrowing the request will lower the estimated costs, my client is open to that discussion.

If the records are not provided within the statutory period and the Coast Guard fails to abide by all statutory time periods, then the records without my client paying fees. See Bensmen v. National Park Service, 806 F.Supp.2d 31, 38 (DCD 2011).

"An additional effect of the 2007 Amendments was to impose consequences on agencies that do not act in good faith or otherwise fail to comport with FOIA's requirements. *See* S.Rep. No. 110-59. To underscore Congress's belief in the importance of the statutory time limit, the 2007 Amendments declare that "[a]n agency shall not assess search fees ... if the agency fails to comply with *any time limit*" of FOIA. § 552(a)(4)(A)(viii) (emphasis added)."

#### V. POLICY AND LEGAL DIRECTION FOR OPEN GOVERNMENT

Disclosure of the above referenced agency records are also sought in order to promote government transparency, and to reflect the Administration's policy to support our nation's fundamental commitment to open government.

As the Supreme Court has observed, "virtually every document generated by an agency is available in one form or another, unless it falls within one of the Act's nine exemptions." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 136 (1975). FOIA was designed to "pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny," see, e.g., Dept. of the Air Force v. Rose, 425 U.S. 352, 361 (1976), and in order "to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242 (1978); see also Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309, 1310 (D.C. Cir. 2003); United States Dept. of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773 (1989).

The above described agency records are subject to disclosure under FOIA, and are not otherwise exempt from disclosure pursuant to FOIA's nine statutory exemptions. See 5 U.S.C. § 552(b)(1) - (9). To the extent that a determination is made by your FOIA office staff that any limited portions of the records listed above will be withheld from disclosure for this request, FOIA expressly requires all agencies to disclose "[a]ny reasonably segregable portion of a record . . . after deletion of the portions of the record which are exempt." 5 U.S.C. § 552(b). See, e.g., Oglesby v. U.S. Dept. of Army, 79 F.3d 1172, 1178 (D.C. Cir. 1996); see also Abdelfattah v. U.S. Dept. Of Homeland Security, 488 F.3d 178, 186-187 (3<sup>rd</sup> Cir).

The 2007 Openness Promotes Effectiveness in our National Government Act amendments to FOIA (the "OPEN Government Act") requires identification of the amount of any material withheld, the location of any withholdings, a direct reference to the specific statutory exemption supporting each withholding asserted, and if technically possible, also require that this information shall "be indicated at the place in the record where such deletion is made." See 5 U.S.C. § 552(b). Therefore, I would appreciate your assistance in expressly identifying any exempt responsive records (or portions thereof) and the applicable FOIA exemptions for any responsive materials withheld for this FOIA request.

Please inform my office in writing if there are any "unusual circumstances" that will cause delay in responding to this FOIA request, or providing the records which are requested, and in addition, please provide the approximate date that you anticipate a final response will be provided.

## VI. CONTACT

Please provide a receipt for this letter and provide a tracking number so that we may inquire about the status of this request.

My client requests an estimated date of completion of this request.

If you have any questions regarding this FOIA request or need help locating documents, or if I can be of any other assistance, please feel free to contact me at (541) 606-9173, or via email to [petesorenson@gmail.com](mailto:petesorenson@gmail.com).

My client reserves their right, upon the expiration of 20 business days from your receipt of this request, to commence a judicial review of this matter in the United States District Court for the District of Columbia.

Thank you in advance for your assistance.

Very truly yours,



C. Peter Sorenson  
Sorenson Law Office  
PO Box 10836  
Eugene, Oregon 97440

Attachment: Exhibit A - Declaration of Craig Downs, for The Downs Law Group, P.A., and Florida driver license of Mr. Downs

**Exhibit A**

**DECLARATION OF THE DOWNS LAW GROUP, P.A.**

CITY OF MIAMI-DADE

STATE OF FLORIDA

I, Craig Downs, on behalf of The Downs Law Group, P.A., being duly sworn on oath do say:

1) I am Principal of The Downs Law Group. My business address is 3250 Mary St. Suite 307, Coconut Grove, FL 33133. My business telephone number is (305) 444-8226 and my business email is: cdowns@downslawgroup.com.

2) I have retained C. Peter Sorenson of Sorenson Law Office, to file a Freedom of Information Act (FOIA) request on our behalf to the U.S. Coast Guard;

3) On our behalf, I authorize Mr. Sorenson and his law firm, Sorenson Law Office, to make our request and to receive any records that the Coast Guard has in response to our FOIA request.

4) On our behalf, I attach to this Declaration a photocopy of my currently authorized Florida driver license.

Signed this day of 9th day of June, 2020.



Signature of Craig Downs, Principal, The Downs Law Group, P.A.

I, Maritza Delgado, Notary Public for the State of Florida witnessed said Craig Downs, sign the above statement this 09 day of June, 2020.

Notary Public for Florida



MARITZA I. DELGADO  
Commission # GG 342824  
Expires June 6, 2023  
Bonded Thru Budget Notary Services



