

EXHIBIT 1

Albany
Atlanta
Brussels
Denver
Los Angeles
New York

McKenna Long & Aldridge^{LLP}

1900 K Street, NW
Washington, DC 20006
Tel: 202.496.7500
mckennalong.com

Orange County
Rancho Santa Fe
San Diego
San Francisco
Washington, DC

DANIEL L. RUSSELL JR.
202.496.7424

EMAIL ADDRESS
drussell@mckennalong.com

February 5, 2015

VIA REGISTERED MAIL
RETURN RECEIPT REQUESTED,
EMAIL AS LISTED BELOW

FOIA Contact
OSD/JS FOIA Requester Service Center,
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
(866) 574-4970

United States Central Command CCJ6-
RDF (FOIA)
7115 South Boundary Boulevard
MacDill AFB, FL 33621-5101
(813) 529-6683
foiaoffice@centcom.mil

Alecia Bolling, FOIA Contact
Freedom of Information Act Office
Suite 144
7701 Telegraph Road, Room 150
Alexandria, VA 22315-3905
(703) 428-7128
usarmy.belvoir.hqda-oaa-aha.mbx.rmda-foia@mail.mil

HQAMC, ATTN: AMCIO-IAR (FOIA)
4400 Martin Road
Redstone Arsenal, AL 35898-5000
usarmy.redstone.usamc.mbx.foia@mail.mil

Defense Contract Management Agency
ATTN: FOIA Office
Building 10500
3901 A Avenue
Fort Lee, VA 23801
DCMA.FOIA@dcma.mil

ASC
ATTN AMSAS-GC (FOIA)
1 Rock Island Arsenal
Rock Island, IL 61299-6500
(309) 782-8442
usarmy.ria.asc.list.foia@mail.mil

RE: Freedom of Information Act Request

Dear Sir/Madam:

Pursuant to the provisions of the Freedom of Information Act ("FOIA") 5 U.S.C. § 552 et seq., as amended, and Department of Defense, 32 C.F.R. § 286 et

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seq., and Department of the Army, 32 C.F.R. § 518 et seq., implementing regulations, request is hereby made for copies of the documents identified in the numbered paragraphs below, as explained in detail below. The request is made on behalf of our client Kellogg Brown & Root Services, Inc. (hereinafter “KBR”), separately to each department and organization (“department(s”).

We request that, pursuant to 5 U.S.C. § 552(a)(3)(B),¹ each department produce responsive documents in the native electronic format in which the document was created. To the extent that any department is unable to produce the responsive documents in the requested format, we request that such department confirm that the record does not exist in native format and produce the documents in the following format, list in accordance with our preference: 1) PDF format; or 2) paper copy. While the burden is on the government to produce all documents within the required time period, we are willing to discuss and agree upon the means and sequence of production to facilitate government compliance with the law.

DEFINITIONS

The term “document” as used herein shall mean all of the following, without limitation and by way of description: (a) all printed materials of every kind whatsoever; (b) all handwritten materials of every kind whatsoever; (c) all materials in electronic media, including e-mails, regardless of the forms of such media; (d) all drafts of subject documents; (e) all documents referenced in subject documents including those noted as exhibits and attachments as well as those referenced in the bodies of subject documents or in footnotes to subject documents; (f) all documents, otherwise identified, but containing marginal or other annotations handwritten or otherwise; (g) all documents in the form of transcripts of meetings and telephone conversations and memoranda of such meetings and telephone conversations whether printed or hand written; (h) to the extent not covered by the definitions in a-g, all materials generated by or received by any government employee, consultant or other person having any relationship to the government; (i) to the extent not covered by the definitions in a-h, all materials generated by any person not in the employ of the government, including but not limited to lawyers, foreign government

¹ 5 U.S.C. § 552(a)(3)(B) provides that: In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

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officials of every level, other interested parties and non-parties to any communications on any relevant subject.

The phrase “LOGCAP III Contract” or “LOGCAP III” means Contract No. DAAA09-02-D-0007, as awarded and as modified, and all task orders, as awarded and as modified, issued under this Contract. The phrase “RIO Contract” means Contract No. DACA63-03-D-0005, as awarded and modified, and all task orders, as awarded and as modified, issued under this Contract.

To the extent that you determine that any subject document will not be disclosed because it meets any of the criteria in the FOIA for nondisclosure, you are requested, as noted below, to identify documents in accordance with *Vaughn v. Rosen*, 523 F.2d 1136 (D.C. Cir. 1975). To the extent that you determine that any subject document will not be disclosed because it is classified in accordance with document classification procedures of your department, request is hereby made that such document be declassified or redacted sufficiently to enable useful review and inclusion of its identifying characteristics under *Vaughn v. Rosen*. In conjunction with same, request is hereby made for mandatory declassification review (MDR) of such materials pursuant to Executive Order 13526.

FORMAT OF REQUESTS

Our requests are set forth as follows:

First, we provide a narrative description of the categories of documents sought. We are seeking seven categories of documents.

Second, we provide the names of the specific individuals whose documents we are seeking (i.e., the document custodians), and the names of specific shared drives and database from which we are seeking documents. We provide these names in separate charts, organized by responding department, to make clear which department is responsible for producing which custodian’s documents. For example, the first chart contains a list of custodians who are/were employed by Army Sustainment Command (“ASC”), and a list of shared drives maintained by ASC. We are asking ASC to provide responsive documents *only* for those custodians and shared drives listed on the ASC chart. We are *not* asking ASC to produce documents from other custodians or other sources. To be clear, responsive documents are those that fall into the category, as defined below, and that were generated by, received by, and/or in the possession of the custodians identified.

Third, within each chart, we have identified which of the seven categories of documents are being sought for each custodian, shared drive, or database. For

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example, within the ASC chart, one of the custodians listed is James Loehrl. In the column next to Mr. Loehrl's name we have listed the categories of documents we are seeking related to Mr. Loehrl—i.e. we are seeking documents that fall within categories 1, 2, and 3 and that were generated, received, and/or possessed by Mr. Loehrl.

We expect many responsive documents will be electronically stored information (“ESI”), including emails. For searches of ESI, we request that each responding department: (i) collect, copy, and/or image all devices and repositories containing potentially responsive ESI (e.g., the identified custodians’ computers and hard drives, any potentially-relevant shared network files); (ii) load the ESI onto a reliable electronic-search tool (e.g., Summation, Relativity, Concordance); and (iii) conduct automated keyword searches of the ESI for the date ranges provided.² We anticipate that the large majority of responsive documents will be ESI, but we recognize and anticipate that there will be non-searchable documents (e.g., handwritten notes), for which the responding agency will necessarily have to conduct a separate search.

CATEGORIES OF DOCUMENTS SOUGHT

1. All documents, including emails, generated or received during the time period January 1, 2008 through December 31, 2010, which refer to punishing, penalizing, taking punitive action, reprimanding, taking remedial action, or taking any adverse action against KBR related to the performance of electrical services under the LOGCAP III Contract. This includes documents that refer to the consideration of any such action, whether or not the action was taken. Please note that we are *not* seeking, for example, copies of the various Statements of Work (“SOWs”) issued under the LOGCAP III Contract, copies of the LOGCAP III Contract itself, or other documents which generically describe electrical services but do not refer to taking action against KBR as set forth above.

2. All documents, including emails, generated or received during the time period March 19, 2003 through December 31, 2010, which refer to any electrical

² To be clear, it would *not* be reasonable or compliant with the FOIA to search for responsive documents using only Microsoft Outlook, nor would it be sufficient to rely on “self-collection” by custodians. *See, e.g., Nat’l Day Laborer Organizing Network v. U. S. Immigration and Customs Enforcement Agency*, 877 F. Supp. 2d 87 (S.D.N.Y. 2012). Should any department seek further guidance or assistance with the identification of reasonable search terms or search methodology, the department should immediately contact undersigned counsel.

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accident, electrocution injury, or fatal electrocution that occurred in Iraq. This includes, for example, all documents that refer to the accidental electrocution of Staff Sergeant Ryan Maseth, which occurred at the Radwaniyah Palace Complex on January 2, 2008.

3. All documents, including emails, which refer to or include as an attachment a document titled "Sub-Standard Electric Wiring Conditions," a version of which is attached hereto as Exhibit 1.³

As further background to assist your search we note the following: "Sub-Standard Electric Wiring Conditions" is a PowerPoint format document that was created by now-Colonel (then-Lt. Col.) Brent A. Carey in Summer 2006. Col. Carey was part of the Army LOGCAP Support Unit during 2006-2007. According to testimony provided by Col. Carey and Major James Harvey (who also served in the LOGCAP Support Unit), the document was distributed via email on a number of occasions in 2006. According to Major Harvey's testimony, the document was attached as one item within a larger weekly "SITREP" (Situation Report). The weekly SITREP addressed numerous topics, some of which included classified information (the document was *not* classified), and therefore in some instances the document was distributed via SIPRNet.⁴ The document was included in the weekly SITREP email for a period of at least 4-6 weeks. At a minimum, the document was sent via email to the following recipients:

- General Kathleen Gainey
- General Joseph Anderson
- General Douglass Satterfield
- Colonel Jack O'Connor

³ There may be prior or subsequent drafts of the document. This request seeks documents related to all such drafts.

⁴ It is our understanding that neither the document, "Sub-Standard Electric Wiring Conditions," nor discussion/commentary about the document were themselves classified. That said, as noted above, to the extent that you determine that any subject document will not be disclosed because it is classified in accordance with document classification procedures of your department, request is hereby made that such document be declassified or redacted sufficiently to enable useful review and inclusion of its identifying characteristics under *Vaughn v. Rosen*, and, as necessary, request is hereby made for mandatory declassification review (MDR) pursuant to Executive Order 13526.

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- Colonel Jake Hanson
- Colonel Jaques Azimar
- Colonel Thad Hartman
- Major John Stewart
- Jana Weston

4. All documents generated or received during the time period January 1, 2003 through present that refer to indemnification of KBR related to private tort litigation and/or reimbursement of costs incurred by KBR related to private tort litigation. At a minimum, this includes the following:

a. Documents that refer to indemnification of KBR, pursuant to Public Law 85-804 or otherwise, related to private tort suits against KBR arising out of and/or related to the RIO Contract. This includes documents that refer to consideration of indemnification, whether or not indemnification actually occurred.

b. Documents that refer to reimbursement of costs incurred by KBR related to third party litigation arising out of and/or related to the RIO Contract. This includes documents that refer to consideration of reimbursement, whether or not reimbursement actually occurred.

c. Documents that refer to indemnification, pursuant to Public Law 85-804 or otherwise, related to private tort suits against KBR arising out of and/or related to the LOGCAP Contract. This includes documents that refer to consideration of indemnification, whether or not indemnification actually occurred.

d. Documents that refer to reimbursement of costs incurred by KBR related to third party litigation arising out of and/or related to the LOGCAP Contract. This includes documents that refer to consideration of reimbursement, whether or not reimbursement actually occurred.

5. All documents that refer to a policy or position taken by the United States (including by the Department of Defense and/or the Army) pursuant to which a neutral position is taken with regard to any lawsuit(s) brought by U.S. servicemen against private contractors. This includes but is not limited to any documents that refer to a neutrality policy or position related to any litigation involving KBR arising out of or related to Operation Iraqi Freedom.

6. All documents that refer to consideration and/or submission of a statement of interest on behalf of the United States in any private tort suit involving KBR, including documents that refer to the consideration of such a submission whether or not submission in fact occurred.

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7. As explained below, this request relates to the following attached documents:

- Exhibit 2 is a series of emails including an email dated January 28, 2009, from James Loehrl to numerous recipients, with the subject line “RE: Electrocutions issue”
- Exhibit 3 is a series of emails including an email dated May 15, 2009, from Dean Poppo to numerous recipients, with the subject line “Urgent-Hot”
- Exhibit 4 is a series of emails including an email dated November 1, 2009, from Dick Ginman to Jeff Parsons and Scott Calisti, with the subject line “FW: Electrocution Mtg with Mr Assad”
- Exhibit 5 is a series of emails including an email dated February 23, 2009, from David Graff to Lee Thompson, James Loehrl, and Kristan Mendoza, with the subject line “KBR NOTE RE SSGT MASETH DEATH”
- Exhibit 6 is a Correspondence Cover Sheet for the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, which refers to Item ID “OSD 00900-09” and with subject line “Staff Sgt. Maseth’s Death.”

We request:

- a. All documents, including emails, that were drafted and/or sent in response to any of the documents contained in Exhibits 2, 3, 4, 5, and 6, including all attachments to such documents;
- b. All emails, whether they pre- or post-date the emails in the Exhibits, that were part of the same email thread as any of the emails in Exhibits 2, 3, 4, 5, and 6 (e.g., emails sent or forwarded in response, preceding emails to which those provided respond, forwarded versions of all such emails);
- c. All documents, including emails, that refer to any of the documents contained in Exhibits 2, 3, 4, 5, and 6;
- d. All documents, including emails, that include, as part of a forwarded message, any portion of any of the emails contained in Exhibits 2, 3, 4, 5, and 6.

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LIST OF CUSTODIANS FOR EACH RESPONDING ENTITY

Requests Submitted to <i>Army Sustainment Command</i>	
Custodian	Categories Sought for this Custodian
David DeFrieze	1, 2, 3, 4, 5, 6, 7
Jerome Johnson	1, 2, 3, 4, 5, 6
James Loehrl	1, 2, 3, 7
Kristan Mendoza	1, 2, 3, 4, 7
Robert Radin	1, 2, 3, 4, 5, 6
Kathryn Szymanski	1, 2, 3, 4, 5, 6, 7
Richard Terhune	1, 2, 3
Lee Thompson	1, 2, 3, 7
Jana Weston	1, 2, 3, 4, 7
Shared Drives	Categories Sought for this Shared Drive
L:LOGCAP/TO 139 Multinational Force Iraq Year Three (TO-59-89)/Award Fee	1, 2, 3, 4, 5, 6, 7
L:LOGCAP/Congressional2008/Electrocutions	1, 2, 3, 7
L:LOGCAP/Award Fee Evaluation Board	1, 2, 3, 7

Requests Submitted to <i>Army Materiel Command</i>	
Custodian	Categories Sought for this Custodian
Anne Dunwoody	1, 2, 3, 4, 5, 6, 7
Benjamin Griffin	1, 2, 3, 4, 5, 6, 7
Jeffrey Parsons	1, 2, 3, 4, 5, 6, 7

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Requests Submitted to <i>U.S. Central Command</i>	
Database	Categories Sought for this Custodian
TRIM Database	1, 2, 3, 4, 5, 6, 7
Requests Submitted to <i>Department of the Army</i>	
Custodian	Categories Sought for this Custodian
Claude Bolton	1, 2, 3, 4, 5, 6, 7
Pete Geren	1, 2, 3, 4, 5, 6, 7
Ed Harrington	1, 2, 3, 7
Francis Harvey	1, 2, 3, 4, 5, 6, 7
Levator Norsworthy	4, 5, 6
Dean Popp	1, 2, 3, 4, 5, 6, 7

Requests Submitted to <i>Department of Defense – OSD/JS</i>	
Custodian	Categories Sought for this Custodian
Shay Assad	1, 2, 3, 4, 5, 6, 7
Ashton Carter	1, 2, 3, 4, 5, 6, 7
Gordon England	1, 2, 3, 4, 5, 6, 7
Robert Gates	1, 2, 3, 4, 5, 6, 7
Richard Ginman	1, 2, 3, 4, 5, 6, 7
William Lynn	1, 2, 3, 4, 5, 6, 7
John Young	1, 2, 3, 4, 5, 6, 7

Requests Submitted to <i>Defense Contract Management Agency</i>	
Custodian	Categories Sought for this Custodian
David Graff	1, 2, 3, 4, 5, 6, 7
Charlie Williams	1, 2, 3, 4, 5, 6, 7

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Responsive documents are requested to be produced in their entirety, including all attachments, enclosures, and exhibits, as previously noted. In the event that it is determined that a document contains material or information which falls within statutory exemptions to mandatory disclosure, it is especially requested that such material or information be reviewed for possible discretionary disclosure. Similarly, in the event that it is determined that a document contains material or information which falls within the statutory exemptions to mandatory disclosure, it is expressly requested that, in accordance with the provisions of 5 U.S.C. § 552(b), any and all reasonably segregable portions of such document be produced.

When it is determined by your Department that all documents responsive to any individual request item (or portion thereof) have been furnished or specifically identified and denied under claim of authority pursuant to 5 U.S.C. § 552(b), written confirmation of such fact is specifically requested.

It is further requested that, to the extent possible, documents in logical groupings, determined to be disclosable, be provided in accordance with this request on an incremental basis as soon as they become available.

This request constitutes notice and demand for the production of the above-described documents. If for any reason it is determined that any document or portion thereof will not be made available to the undersigned, or that this request will not, in whole or in part be complied with, prompt notice of any action taken is solicited. In addition, the undersigned requests that notice be given as promptly as possible of any documents which will not be made available, and that they be indexed and identified by stating the title, author, date, nature of such material, and the reason(s) for your Department's determination to withhold disclosure.

This firm and the undersigned will be responsible for the reasonable cost of locating and reproducing the requested documents to the extent required by your regulations. If such cost will exceed five thousand dollars, please contact us before incurring such cost.

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Please direct all correspondence related to this request to:

Daniel L. Russell Jr.
drussell@mckennalong.com
McKenna Long & Aldridge LLP
1900 K Street NW
Washington, DC 20006
(202) 496-7424

Thank you in advance for your assistance with this matter.

Very truly yours,

McKenna Long & Aldridge LLP

By: 
Daniel L. Russell Jr.

EXHIBIT 1

Sub-standard Electric Wiring Conditions

Only You Can Prevent Fires

LTC Brent Carey, LOGCAP Support Officer

Briefing Purpose

- To bring command awareness and attention to a serious threat to the life, health and safety of our soldiers



Electrical Wiring Conditions: A Serious Risk

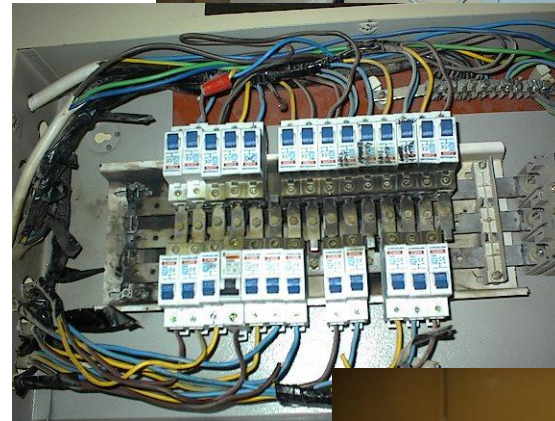
- Ungrounded electrical wiring
- Overloaded or substandard electric wiring materials and equipment
- Exposed “live” electrical wiring and equipment
- Premature equipment failure due to sub-standard wiring
 - HVAC – unhealthy living conditions
 - Generator failure = loss of force protection
 - Perimeter lighting
 - Commo
 - J-lens???????????

Ungrounded Wiring = electric shock risk

- Contact with ungrounded charge while in contact with water
 - Shower
 - Sink
 - Standing water
- Ungrounded wiring may render circuit breakers and other safety equipment useless
- Soldier died in the shower in hardstand building – summer 2005.
 - Solution was to shower in outside ablution units
 - Grounding was never corrected – hazards still remain

Sub-standard electrical wiring

- Configuration
 - Lack of grounding of entire circuit
 - Overloading
 - Loose wiring or connection
 - Exposed wiring
 - Lack of bonding at first point of disconnect
 - Over-filled boxes
 - Taping vs. wire nut
 - Overloaded plug strips
 - Forcing two-prong plug into 3-prong socket
 - Hard-wired vs. cord & plug
- Materials
 - Combustible vs. non-combustible
 - Insulation failure
 - No UL listing (or equivalent)
 - Stranded wiring vs. ????
- Equipment
 - Missing safety covers
 - Missing ground bar
 - “Home-made” substitution for missing parts
 - Non-weather proof equipment used outdoors

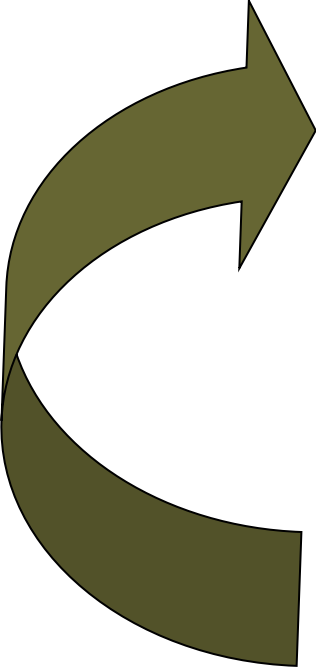


HCN contractors and handy-man work

- KBR often ends up re-doing work that was done wrong in the first place.

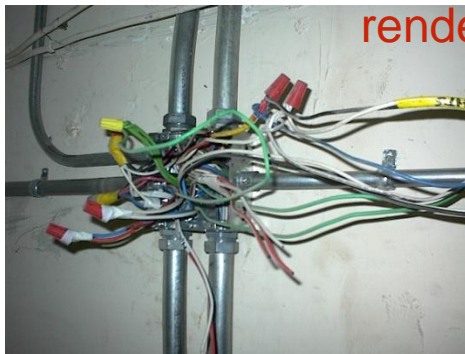
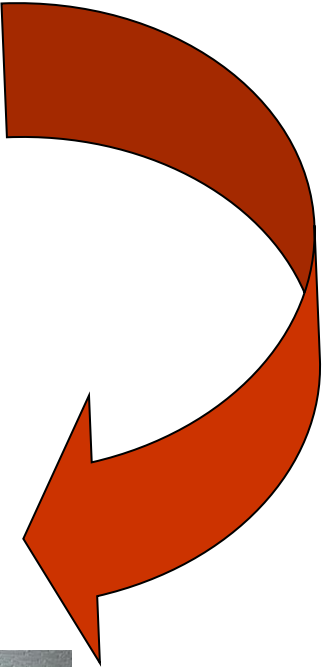


Unauthorized power siphoning



- KBR establishes or restores power and wiring to acceptable building codes

- Wiring is tapped into for a power load that was not requested or funded and renders the wiring unsafe



Substandard Wiring Configurations

- Too many devices on circuit
- Cross-feeding circuits with no single-source disconnect
- Mix-matching breakers
- Daisy chain



Daisy chain

1. Capacity of electrical equipment (i.e., circuit breakers, panels, wires, etc) is sufficient for one building
2. Contractor (not KBR) taps into the wiring from the first building to power a second building in “daisy-chain” fashion, doubling the load on the wiring and equipment
3. In many cases a series of three or more buildings are daisy-chained, tripling or quadrupling the load on the electrical system.

Substandard wiring present in most hard-stand buildings

- Palace and office buildings in the IZ
- Utility buildings at outlying FOBs
- Prior Iraqi troop buildings
- Former factory or shop buildings

Case in Point: FOB Rustamiyah

- Averages an electrical fire every five days
- Extracts from local Fire Chief's log book:

Date	Location	Type of Fire	Time	Number	DATE	LOCATION	TYPE OF FIRE	TIME	NUMBER
11/12/06	222 #134	Electrical	1523	73	27 MAR 06	5A1 (RM 802/GENERAL)	ELEC. SHORT	1720	99
13 Jan 06	3A1 #11	Electrical	1745	74	30 Mar 06	3A12	IDF HIT	1931	100
14 Jan 06	3A17 #208	Electrical	1039	75	30 Mar 06	Defue	Vehicle (IDF)	1940	101
14 JAN 06	5A1 - FEMALE LATRINE #166's	ELECTRICAL	2335	76	30 Mar 06	KBR Haz Mat Bldg.	Fuel Spill (IDF)	2015	102
20 Jan 06	Shower Mates Haz Mat	Electrical	2135S	77	2 Apr 06	3A24	Electrical	1309	103
21 Jan 06	5A1 Aid Station CP	Electrical	1435	78	2 Apr 06	1B9 Laundry	Electrical fire	1806	104
22 Jan 06	3A7 - Chapel ^{1-97 Chapel}	Electrical	1725	79	5 Apr 06	2C6 Blue Glass	Grease Fire	1824	105
23 Jan 06	3A9 Barrack	Electrical	2208	80	8 APR 06	JP-8	FUEL SPILL/HAZ MAT	0936	106
28 JAN 06	3A9 - BARRACKS	ELECTRICAL (CUTTING ARCING)	0300	81	10 Apr 06	4 B1	Smoke mess	1411	107
29 Jan 06	Gate 2	Hazard Fire	0205	82	11 Apr 06	3B14	IDF Hit ^{mess} / Electrical	2145	108
3 Feb 06	5A7	Electrical	0651	83	18 Apr 06	4D5	Electrical fire	0153	109
3 Feb	Tower 2 West	Electrical	1043	84	20 Apr 06	1-61 Motor Pool	Dumpster	2109	110
6 Feb 06	Roadway Return 5A6	Haz Mat	1332	85	22 Apr 06	519 th Motor Pool	Trash Pit	0915	111
10 Feb 06	5A1 Courtyard	Smoke Invest.	1349	86	23 Apr 06	519 Motor Pool	Trash Pit	1103	112
11 Feb 06	Gate 2 2135	Electrical	0049	87	23 Apr 06	KBR TMP	Air Quality Check	1500	113
14 Feb 06	5B8	Dumpster	0946	88	23 Apr 06	FMAR Bldg 22	Propane Leak	1710	114
14 Feb 06	5A1	Haz Mat	89	89	28 Apr 06	519 MP Trash Pit	Trash Pit	1824	115
20 Feb 06	5A1 Stand-by	Haz Mat	1320	90	29 Apr 06	3-67 Motor Pool	Bradley FV	1657	116
28 Feb 06	Bechtel 303	Dumpster Fire	0855	91	2 May 06	519 MP Motor Pool SC	Service Oil ^{Control Burn}	0854	001
01 MAR 06	Service Call - Hazardous Waste	Controlled Burn	1830	92	2 May 06	3A7 Electric	SF Electrical Short	1641	002
09 Mar 06	Service Call - Airman's	Hazardous	1445	93	3 May 06	4D6 ^{wind}	IDF TIC	2123	
10 Mar 06	Service call	Burn Pit	1552	94	2 May 06	519 MP Motor Pool SC	Trash Pit	1844	003
15 Mar 06	Service Call ^{was N Down}	Hospital	1038	95	3 May 06	4D10	SF IDF TIC	2123	004
16 Mar 06	Service Call ^{Thermal}	TIC Bldg	2011	96	4 May 06	3A22 Alarm Activation	DA Bad Bldg. Det. ^{Smoke}	2335	005
17 Mar 06	Electrical fire 3B3	Electrical	2110	97	8 May 06	Gate 2 Wash Rack	Vehicle Fire (IDF)	1523	006
25 Mar 06	Haz Mat 2B5	Haz Mat	1744	98	10 May 06	5A1 Rm 205A SC	ALC Fire Leak	1824	007

Date	Location	Type of Fire	Time	Ren #
13 May 06	4 A 10	DF	Dumpster	1403 008
14 May 06	Gate 2	VF	Vehicle	1904 009
21 May 06	3A1	SC	Benfire	2121 010
22 May 06	5A1	SF	IDF	2058 011
23 May 06	5A1	SC	Stand-by	0700 012
23 May 06	1B6	SC	Electrical	1757 013
30 May 06	3A5	EI	Electrical	0305 014
30 May 06	GT-N4	SC	Control Burn	0929 015
8 June 06	3A5	DF	Dumpster	1213 016
9 June 06	675 Latrine	SF	Electrical	1157 017
12 Jun 06	DFAC	EI	Electrical	3014 018
18 Jun 06	5A1	SF	Electrical	0728 019
19 Jun 06	3A9	EI	Electrical	1248 020
20 Jun 06	4D5 Rm 7	EI	Electrical	1804 021
21 Jun 06	519 MP Burn Pit	SC	Control Burn	0700 022
21 Jun 06	5A1	EI	Electrical	1422 023

FOB Rustamiyah (continued)

- \$37 million electrical wiring renovation under TO 59 was halted due to funding constraints and never restarted
- None of the hard-stand buildings at this FOB has properly grounded electrical systems
- Hospital building is used not only for an Aid Station in which patients may be held for up to 48 hours, but it is also used for billeting for xxxx PAX

Soldier's lives at risk



Recommendations

- Establish theatre-wide building code
 - Standards
 - Permit requirement
 - Inspection procedures
 - Enforcement authorization
 - Enforcement procedures
- Recognize the funding load required to address these hazards

Case in Point:

FOB Mahumudiyah

- ***Former chicken factory building***
 - ***Electrical renovation was underway***
 - ***Billets for 200 troops***
 - ***Fire started during the day when most troops were out of building***
 - ***2/3 of building was destroyed***
 - ***Fire burned for 3 days***
 - ***No fire rescue equipment at FOB***

A disaster waiting to happen

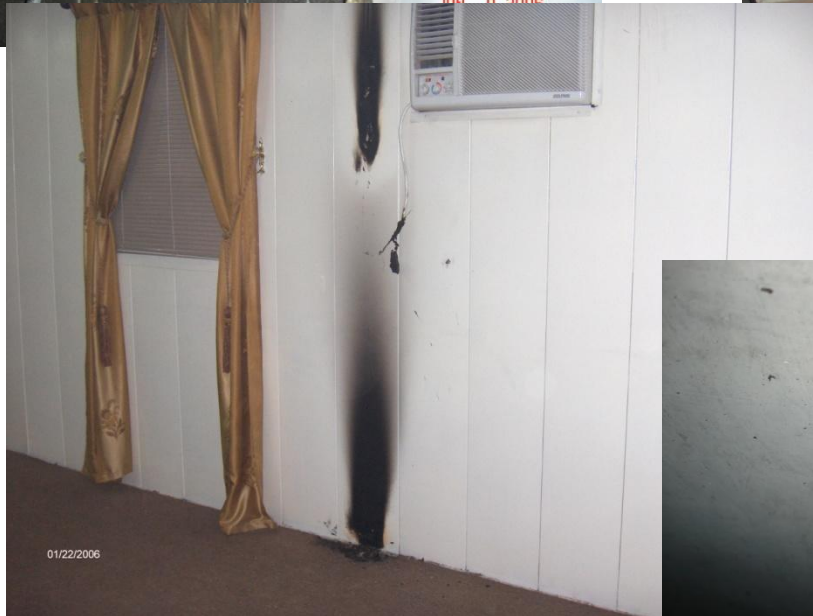


EXHIBIT 2

Sent: Wednesday, January 28, 2009 7:03:29 PM

To: Loehrl, James SES CIV USA AMC; Thompson, Lee SES CIV USA AMC; Radin, Robert M MG MIL USA AMC; Parsons, Jeffrey SES CIV USA AMC; Mendoza, Kristan A CIV USA AMC

CC: Lipes, Sharon A Ms CIV USA AMC; Welker, D Scott SES CIV USA AMC; Johnson, Melanie A Ms CIV USA AMC

Subject: Re: Electrocutions issue

----- Original Message -----

From: Loehrl, James SES CIV USA AMC

To: Thompson, Lee SES CIV USA AMC; Radin, Robert M MG MIL USA AMC; Parsons, Jeffrey SES CIV USA AMC; Szymanski, Kathryn SES CIV USA; Mendoza, Kristan A CIV USA AMC

Cc: Lipes, Sharon A Ms CIV USA AMC; Welker, D Scott SES CIV USA AMC; Johnson, Melanie A Ms CIV USA AMC

Sent: Wed Jan 28 08:47:55 2009

Subject: RE: Electrocutions issue

This is what I would propose to send back to Dean. Any comments.

Dean

The political gravity of this situation is not nor has it been lost on the team. The actions we have taken to date have been

1. We placed the award fee letter from the July 08 award fee board in abeyance and did not hold award fee boards as scheduled in Nov 08 as we sort out what KBRs performance has truly been. KBR has not been paid nor allowed to bill for any award fee for performance in Iraq for all of 2008. The last award fee letter authorizing KBR to bill award fee was issued in April 2008 and covered the period of performance 1 Sept 2007-31 Dec 2007. In other words KBR has not been paid any award fee on ~\$4.5B of work. Even at 2% award fee this equates to significant cash flow and earnings to KBR. The award fee process will be resumed once we have clarity on KBR's true performance and that performance will be taken into account in any evaluations.

2. The Level III CAR was issued to KBR and we have been working with DCMA and KBR to get a satisfactory Corrective Action Plan in place.

3. The Level III CAR has been taken into account as a part of past performance evaluations for awarding tasks orders under LOGCAP IV.

4. The LOGCAP III contract has been modified to include more stringent personnel qualification and training requirements for electricians and other critical trades.

The PCO is working with legal and DCMA to pull together all documents for a comprehensive review to see if there is enough to pursue an affirmative action claim. She has also been working with DODIG and CID. We are prepared to take action if and when it is appropriate. The PCO however cannot take action based on news reports and leaked information. We need to make sure the contractual actions we take are supported by the facts.

It should also be noted that while not necessarily tied to past performance evaluations KBR has not been awarded any of the work awarded so far on LOGCAP IV competitions.

Jim Loehrl

-----Original Message-----

From: Popps, Dean G SES ASA(ALT)

Sent: Tuesday, January 27, 2009 11:14 PM

To: Thompson, Lee SES CIV USA AMC; Loehrl, James SES CIV USA AMC; Radin, Robert M MG MIL USA AMC; Parsons, Jeffrey SES CIV USA AMC

Cc: Harrington, Edward M SES ASA(ALT); Pybus, Wimpy D SES ASA(ALT); Maddux, Jonathan A COL

Rock Island Teammates

I hope the political gravity of this situation in a new congress and a new administration is not lost on you. Mr. Young is correct 100%.

Best,

Dean

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Popps, Dean G SES ASA(ALT)
To: Harrington, Edward M SES ASA(ALT); Assad, Shay, Mr, OSD-ATL
Cc: Thompson, Ross III LTG ASA(ALT); Parsons, Jeffrey SES CIV USA AMC; Norsworthy, Levator Mr OGC
Sent: Wed Jan 28 00:04:23 2009
Subject: Re: Electrocutions issue

All-

I share Mr Young's sentiment fully and asked DASA P Ed Harrington and Acting GC Norsworthy last week to give me, as SAE, options ranging from A to Z last week. A corrective action plan is not enough.

Dean Popps

Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Harrington, Edward M SES ASA(ALT)
To: Assad, Shay, Mr, OSD-ATL
Cc: Popps, Dean G SES ASA(ALT); Thompson, Ross III LTG ASA(ALT); Parsons, Jeffrey SES CIV USA AMC
Sent: Tue Jan 27 18:45:14 2009
Subject: RE: Electrocutions issue

Shay,

Will discuss when I see you in the morning.

Ed

-----Original Message-----

From: Assad, Shay, Mr, OSD-ATL
Sent: Tuesday, January 27, 2009 6:39 PM
To: Parsons, Jeffrey SES AMCCP; Harrington, Edward M SES ASA(ALT)
Subject: FW: Electrocutions issue

Ed/Jeff,

I need an Army position.

Shay

-----Original Message-----

From: Young, John, Hon, OSD-ATL
Sent: Tuesday, January 27, 2009 6:11 PM
To: Williams, Charlie; Assad, Shay, Mr, OSD-ATL; Ahern, David, Mr, OSD-ATL
Cc: Cook, David A COL OSD ATL; Schmidt, Michael J Col OSD ATL; Hartman, Josh, Mr, OSD-ATL;

All,
First, I am clearly having trouble with my B'berry. Sorry for he extra messages.
Anyway, please tell me what options I hae to deal with KBR. Options should include freezing
all payments, all incentive awards, all award fee, etc.
Also, I want to know what punitive actions are possible - disqualification, debarrment, etc.
Please tel me your recommendations - but I will tell you that doing nothing is not an
option. We are already lte to action.

John Young
USD (AT&L)

Sent using BlackBerry

From: Young, John, Hon, OSD-ATL
To: Williams, Charlie; Assad, Shay, Mr, OSD-ATL; Ahern, David, Mr, OSD-ATL
Cc: Cook, David A COL OSD ATL; Schmidt, Michael J Col OSD ATL; Hartman, Josh, Mr, OSD-ATL;
Wright, Danielle, Ms, OSD-ATL; Goddard, Hannah, Mrs, OSD-ATL
Sent: Tue Jan 27 18:07:01 2009
Subject: Re: Electrocutions issue

John Young
USD (AT&L)

Sent using BlackBerry

From: Williams, Charlie
To: Young, John, Hon, OSD-ATL; Assad, Shay, Mr, OSD-ATL
Cc: Poppo, Dean G SES ASA(ALT); Thompson, Ross III LTG ASA(ALT); Graff,
David J. CAPT USN; Noble, Jacqueline M.; Mackey, Stephen A.; Bogdan,
Christopher, BrigGen, OSD-ATL
Sent: Tue Jan 27 14:12:22 2009
Subject: Fw: Electrocutions issue

Sirs, I am forwarding for your SA an email I received from Senator Dorgan
office alerting me to a letter sent to the Secretary from Senators Dorgan
and Casey. This letter relates to the ongoing investigations regarding the
electrocution of Sgt Maseth in Iraq. The Army is very much aware of this
matter and as I understand it is working the legal aspects of the matter. We
will of course support the Army as they prepare a response for the Secretary
to this letter and any other departmental discussions on the matter.

From: Adler, Gabriel (Dorgan)
To: Williams, Charlie (SES)
Sent: Tue Jan 27 11:41:29 2009
Subject: RE: Electrocutions issue

Charlie,

Just a heads up that Senators Dorgan and Casey are sending the attached letter to Secretary Gates, in response to the apparent reclassification of Staff Sargeant Maseth's death to "negligent homicide" attributable to KBR and two of its supervisors.

While we realize that the criminal investigation over Staff Sargeant Maseth's death is outside the purview of DCMA, you should know that Senators Dorgan and Casey are particularly frustrated that the Pentagon continues to rely on KBR for electrical work in Iraq, and that the company has not faced any adverse consequence for its apparent role in Staff Sergeant Maseth's death and its record of unsatisfactory electrical work.

A copy of the letter is attached.

Regards,

Gabriel Adler

Senior Policy Analyst

Office of U.S. Senator Byron L. Dorgan

322 Hart Building

Washington, DC 20510

Phone: (202) 224-5781

Fax: (202) 224-1193

EXHIBIT 3

From: Loehrl, James SES CIV USA AMC
Sent: Monday, May 18, 2009 10:05:13 AM

To: Ryan.McCarthy@sd.mil

CC: Popps, Dean G SES CIV USA ASA ALT; Radin, Robert M MG MIL USA AMC; Harrington, Edward M SES CIV USA ASA ALT; Pybus, Wimpy D SES CIV USA ASA ALT; Collins, Robert M MAJ MIL USA ASA ALT; Thompson, Ross LTG MIL USA ASA ALT; Maddux, Jonathan A COL MIL USA ASA ALT; Parsons, Jeffrey SES CIV USA AMC; Thompson, Lee SES CIV USA AMC

Subject: RE: Urgent-Hot

Attachments: Award Fees Paid May 09.docx; Document.pdf

Mr McCarthy

Per your request on Friday attached is an information paper laying out the current status of KBR LOGCAP III award fees.

Jim Loehrl

Executive Director Rock Island Contracting Center
309-782-7161

-----Original Message-----

From: Popps, Dean G SES CIV USA ASA ALT

Sent: Friday, May 15, 2009 3:20 PM

To: Radin, Robert M MG MIL USA AMC; Loehrl, James SES CIV USA AMC; Thompson, Lee SES CIV USA AMC; Parsons, Jeffrey SES CIV USA AMC

Cc: Harrington, Edward M SES CIV USA ASA ALT; Pybus, Wimpy D SES CIV USA ASA ALT; Collins, Robert M MAJ MIL USA ASA ALT; Thompson, Ross LTG MIL USA ASA ALT; Maddux, Jonathan A COL MIL USA ASA ALT

Subject: Urgent-Hot

Imperative that LOGCAP expert call Mr. Ryan McCarthy , Spec Asst to Sec Def, asap/now about SEN Dorgan questions vectoring in from the White House this afternoon re: award fees to KBR.

703 692 7112

Ryan.McCarthy@sd.mil

Pls advise.

Thx

Dean

Sent from my BlackBerry Wireless Device

EXHIBIT 4

From: Loehrl, James SES CIV USA AMC

To: Larkin, Kevin L Mr CIV USA AMC; Mendoza, Kristan A CIV USA AMC

CC:

BCC:

Subject: FW: Electrocution Mtg with Mr Assad (UNCLASSIFIED)

SentOn: 11/3/2009 8:59:09 AM

ReplyTo:

Body: I do not believe it was our intent to only implement changes in LOGCAP IV. Correct.

Jim

-----Original Message-----

From: Parsons, Jeffrey SES CIV USA AMC

Sent: Tuesday, November 03, 2009 6:00 AM

To: Loehrl, James SES CIV USA AMC

Subject: FW: Electrocution Mtg with Mr Assad (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Jim,

Aren't we making some process changes to LOGCAP IV? I think we will be criticized if we don't apply to the remaining work under LOGCAP III. Lee said they only apply to LOGCAP IV.

Jeff

-----Original Message-----

From: Williams, Charlie (SES) [mailto:Charlie.Williams@dcma.mil]

Sent: Tuesday, November 03, 2009 6:48 AM

To: Parsons, Jeffrey SES CIV USA AMC; Ginman, Richard, Mr, OSD-ATL

Cc: Calisti, Scott R Col OSD ATL; Loehrl, James SES CIV USA AMC; Thompson, Lee SES CIV USA AMC; Mendoza, Kristan A CIV USA AMC; Graff, David J. CAPT USN

Subject: RE: Electrocution Mtg with Mr Assad

Dick we are aware of the letter as well. I have attached a briefing and a couple papers of the input the DCMA Iraq team provided regarding how the process could be improved. From what I understand, the decision has been made not to make any changes in the LOGCAP III process but adjust the LOGCAP IV process. I could be mistaken. Jeff and the CO would be better able to speak to any changes being made to LC III & IV or the path forward. We would be glad to support a meeting when it is scheduled.

Charlie E. Williams Jr.

Director, Defense Contract Management Agency

-----Original Message-----

From: Parsons, Jeffrey SES CIV USA AMC

[mailto:JEFFREY.P.PARSONS@US.ARMY.MIL]

Sent: Monday, November 02, 2009 7:46 AM

To: Ginman, Richard, Mr, OSD-ATL; Williams, Charlie (SES)

Cc: Calisti, Scott R Col OSD ATL; Loehrl, James SES CIV USA AMC; Thompson, Lee SES CIV USA AMC; Mendoza, Kristan A CIV USA AMC

Subject: Re: Electrocution Mtg with Mr Assad

Dick,

First of all we are aware of the memo. The KO has completed all of her reviews of the various reports concerning electrical issues. These include DOD/IG, CID, and the DCMA CAR. She has a path forward and we will brief Shay and you before we launch anything on award fees.

There are also changes to the award fee board process for LOGCAP. These have been worked by Lee Thompson and Jim Loehrl's staff in consultation with DCMA. They also took into consideration the AAA review of the award fee process. These changes are being articulated in a briefing that we will bring your way as well.

Jeff

-----Original Message-----

From: Dick Ginman
To: Charlie Williams
To: Jeff Work Parsons
Cc: Calisti, Scott R Col OSD ATL
Sent: Nov 1, 2009 10:13 PM
Subject: FW: Electrocution Mtg with Mr Assad

Charlie, Jeff,

Attached 19 May 2009 memo from SD Lynn to Sen Dorgan states:
Zero award fee has been paid since Jan 2008. No award fee will be paid until CO, in consultation with DCMA complete a comprehensive review, to include KBR's performance regarding electrical work is accurate an complete.
ACC and DCMA will be briefing me on their final deliberations.

Memo also mentions a review and briefing AMC/DCMA is to provide the DSD with recommendations.

Have you done the briefing? Have you seen this letter before?
Seems as though we need to pass through the wickets in the letter before we move too far with award fee.

Dick

Classification: UNCLASSIFIED
Caveats: FOUO

Attachments:

LOGCAP IV Award Fee Criteria Proposal 13 Jun 09.ppt
AFEB BBP_25Oct09.docx
AFEB_PEB BBP.DOCX

EXHIBIT 5

Sent: Monday, February 23, 2009 6:42:21 PM

To: Loehrl, James SES CIV USA AMC; Parsons, Jeffrey SES CIV USA AMC; Thompson, Lee SES CIV USA AMC; 'David.Graff@dcma.mil'; Mendoza, Kristan A CIV USA AMC; Parise, Robert SES CIV USA AMC; Faggioli, Vincent SES CIV USA AMC; Harney, David COL MIL USA

Subject: RE: KBR NOTE RE: SSGT MASETH DEATH

-----Original Message-----

From: Loehrl, James SES CIV USA AMC

Sent: Monday, February 23, 2009 12:42 PM

To: Parsons, Jeffrey SES CIV USA AMC; Thompson, Lee SES CIV USA AMC;

'David.Graff@dcma.mil'; Mendoza, Kristan A CIV USA AMC

Cc: Szymanski, Kathryn SES CIV USA

Subject: RE: KBR NOTE RE: SSGT MASETH DEATH

Jeff

Below is an excerpt out of my last exsum that went to Mr. Pops and I thought to Mr. Assad as well.

The PCO is working with legal and DCMA to pull together all documents for a comprehensive review to see if there is enough to pursue an affirmative action claim. She has also been working with DODIG and CID. We are prepared to take action if and when it is appropriate. The PCO however cannot take action based on news reports and leaked information. We need to make sure the contractual actions we take are supported by the facts.

Nothing has changed. The PCO is prepared to take whatever contractual action deemed appropriate and supported by the facts. Any action taken will be fully vetted with legal. We still do have the CID investigation files and I am still not sure how the level III CAR should be judged for award fee purposes given where we ended up with the CAP.

You are correct "punitive" is not in our contract lexicon and words to that effect by our Senior Leaders will not help us if and when we take appropriate contract action.

Jim Loehrl

-----Original Message-----

From: Parsons, Jeffrey SES CIV USA AMC

Sent: Monday, February 23, 2009 12:12 PM

To: Thompson, Lee SES CIV USA AMC; 'David.Graff@dcma.mil'; Loehrl, James SES CIV USA AMC;

Mendoza, Kristan A CIV USA AMC

Subject: Re: KBR NOTE RE: SSGT MASETH DEATH

Folks,

We need legal input here. The word "punitive" is not really in our contract lexicon. CAPT Graff raised some very valid points. Other than Award Fee Board results, CPARS, and perhaps recovery of funds for work not accomplished properly, I don't believe we have any "punitive" remedies.

Jeff

From: Thompson, Lee SES CIV USA AMC

Case 1:15-cv-01334-JDB Document 1-1 Filed 08/17/15 Page 43 of 46
To: 'David.Graff@ladc-rock4.army.mil'; Loehrl, James SES CIV USA AMC; Mendoza, Kristan A CIV USA AMC
Cc: Parsons, Jeffrey SES CIV USA AMC
Sent: Mon Feb 23 12:55:06 2009
Subject: Re: KBR NOTE RE: SSGT MASETH DEATH

I agree and he should be cautioned about senior level influence on a contracting officer's decision even though it is a question. It could be taken the wrong way.

Lee Thompson, SES
Executive Director, Logistics
Civil Augmentation Program
w(309) 782-6738
m(309) 716-9414
SIPR: Thompsonl@ladc-rock4.army.smil.mil

From: Graff, David J. CAPT USN
To: Thompson, Lee SES CIV USA AMC; Loehrl, James SES CIV USA AMC; Mendoza, Kristan A CIV USA AMC
Cc: Parsons, Jeffrey SES CIV USA AMC
Sent: Mon Feb 23 10:30:48 2009
Subject: RE: KBR NOTE RE: SSGT MASETH DEATH

Lee,

We have engaged OSD to discuss. Observation: A court would rule that there are no proven formal connections to any electrical related death - taking punitive measures beyond what can be substantiated would be ill advised and premature - Neither CID or Do DIG findings have been published or formalized. So called "Punitive" measures for the non compliance issues raised in the SEPT 2008 CAR will be accounted for as part of the outstanding Award Fee Board that was held in abeyance.

I recommend that ASC reinforce that this is their contract and that any "Punitive" measures will be evaluated and determined by the PCO and PM in association with Legal counsel.

Your thoughts?

Vr Dave

From: Thompson, Lee SES CIV USA AMC [mailto:lee.thompson3@us.army.mil]
Sent: Monday, February 23, 2009 10:54 AM
To: Graff, David J. CAPT USN; Loehrl, James SES CIV USA AMC; Mendoza, Kristan A CIV USA AMC
Cc: Parsons, Jeffrey SES CIV USA AMC
Subject: Re: KBR NOTE RE: SSGT MASETH DEATH

Pass to counsel

Lee Thompson, SES
Executive Director, Logistics
Civil Augmentation Program
w(309) 782-6738
m(309) 716-9414
SIPR: Thompsonl@ladc-rock4.army.smil.mil

From: Graff, David J. CAPT USN

KBR6-0021688

To: Thompson, Lee [mailto:lee.thompson@usa.mil] - Sent: 08/17/15, 11:44 AM
Case 1:15-cv-01334-JDB Document 1-1 Filed 08/17/15 Page 44 of 46
USA AMC
Sent: Mon Feb 23 09:04:31 2009
Subject: KBR NOTE RE: SSGT MASETH DEATH

All,

Provided for your SA, Attached file contains Mr John Young's hand written note requesting what punitive actions have been taken against KBR. We have to be prepared to provided a response.

Vr Dave <<...>>

David Jacques Graff
CAPT, SC, USN
Commander
Defense Contract Management Agency International
6359 Walker Lane, Suite 220
Alexandria, VA, 22804
Office: 703 428-1794
Mobile: 571 239-6835
Fax: 703 428-3949

EXHIBIT 6

UNCLASSIFIED SYSTEM

Office of the Under Secretary of Defense for
Acquisition, Technology, and Logistics
Correspondence Cover Sheet

When Added: Due Date: Tasked Org: **AT** Item ID: **OSD 00900-09** OSD #:

Red Tag: Action Type: **OSD Signature** Tasked Person:

Subject: **Staff Sgt. Masetts Death**

	Initials	Date	Comments
<input checked="" type="checkbox"/> Mr. Young:	<i>J</i>	<i>2/19</i>	- PLEASE ENSURE SIGNED COPIES GO TO DCMA.
<input type="checkbox"/> Mr. Hartman:			- I WANT PUNITIVE ACTIONS TAKEN AGAINST KBR
<input type="checkbox"/> Col Schmidt:			
<input type="checkbox"/> COL Cook:	<i>DC</i>	<i>19 FEB</i>	- I SIGNED THE LETTERS,
<input type="checkbox"/> Mr. McMahon:	<i>DM</i>	<i>19 Feb</i>	BUT IT SOUNDS LIKE WAY TOO MUCH SLOW
<input type="checkbox"/> Mr. Graves:	<i>MG</i>	<i>19 Feb</i>	(MONTHS) PROCEDURAL PROCESS ON AN ISSUE
<input type="checkbox"/> Mr. Simpson:			WHERE A U.S. SOLDIER
<input type="checkbox"/> Ms. Wright:			

Notes:

DISPOSITION INSTRUCTIONS:

THIS TASK RESIDES ON THE NIPRNET VERSION OF SACCP.

NEEDLESSLY DIED!!!

UNCLASSIFIED SYSTEM

[Large signature]