

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

CIVIL ACTION

THOMAS STALCUP,)
)
 Plaintiff)
)
 vs.)
)
 THE FEDERAL BUREAU OF INVESTIGATION;)
 and THE UNITED STATES NAVY,)
)
 Defendants)

EXHIBIT 2

Thomas Stalcup, PhD, Media Review Inc.

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July 23, 2019

TO: Department of the Navy, Office of the General Counsel

Attn: FOIA Appeals

1000 Navy Pentagon, Room 4E365

Washington, DC 20350-1000

CC: Commander

Naval Sea Systems Command (SEA 00A5)

1333 Isaac Hull Ave SE

Washington Navy Yard DC 20376-1021

Freedom of Information Act Appeal

To whom it may concern:

With this letter, I hereby appeal my June 18, 2019 Freedom of Information Act (FOIA) request. My appeal should be granted since I have not received a substantive response from the Navy within the 20 days allowed under FOIA.

Please note that I am in the midst of discovery in a related legal action, and I would like to offer what I have learned and continue to learn through this process, which could prove helpful in the Navy's search for records. Please feel free to have anyone involved in the search for records to contact me at anytime for assistance. As described below, it may be most efficient to do so. Further, I would like to avoid having to file another complaint with the District Court, and our mutual, good faith cooperation at this point in time could locate the requested records speedily while also avoiding additional Court intervention in this matter.

To support my belief that what I may be able to offer would be valuable, I note the DC Circuit's 1976 Order in *Weisberg vs. DoJ* which ruled that the existence of responsive records "should be determined speedily on the basis of the best available evidence, i. e., the witnesses who had personal knowledge of events at the time the investigation was made."¹ Throughout my currently ongoing discovery process in a related matter, I have deposed many current and former officials who had personal knowledge of events relevant to the records I seek in this Navy FOIA action.

Sincerely,

Thomas Stalcup, PhD

¹ *Weisberg v. US Dept. of Justice*, 543 F. 2d 308, 311 (D.C. Cir. 1976).