

Exhibit E

Clark, Bryan

From: Clark, Bryan
Sent: Wednesday, April 27, 2016 9:34 AM
To: charles.c.marye.civ@mail.mil
Subject: RE: FOIA 16-F-0329 Revised Estimated Completion Date and Status Update

Mr. Marye:

Thank you for the update on the status of State of Kansas's FOIA request (16-F-0329). On January 14, 2016, the State agreed to OSD's proposal that the State narrow the scope of its request. In particular, OSD proposed that it respond to paragraph (g) of the State's request by "prepar[ing] a document that lists the following information as it applies to the survey of potential GTMO detainee transfer sites on the United States mainland: the location of such surveys as well as the total cost of travel, per diem, and incidental expenses for all Department of Defense personnel conducting these surveys." The State agreed to narrow its request accordingly in order to receive a more timely response.

On March 2, 2016, you provided an estimated completion date of April 15, 2016. The State did not receive a response by April 15, 2016. On April 21, 2016, I left you a voice mail requesting an update on the status of the State's request. Later that day you responded by e-mail, stating that the estimated completion date had been extended by seven months -- from April 15, 2016 to November 15, 2016. You stated that OSD's response to the re-scoped paragraph (g) had been sent to your office for further coordination, and that you hope to provide the response to paragraph (g) ahead of the remainder of our request, but you did not provide an estimated completion date for that discrete part of our request.

The reasons given for the seven-month delay are: (a) the need to search for and collect records from a facility geographically separated from this Office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records.

Because OSD's response to paragraph (g) has been completed by OSD and only needs "further coordination," it is unclear how any of these circumstances provide reasons for delaying OSD's response to the State's re-scoped paragraph (g). The State narrowed its request with respect to paragraph (g) in order to receive a timely response. The State respectfully requests that it receive OSD's response to paragraph (g), as re-scoped, on or before May 15, 2016. No unusual circumstances would support delay beyond that time.

The State also requests more specific reasons for why the remainder of its request will take an additional seven months to complete.

Please contact me if you would like to discuss further the State's alternative time frame for processing OSD's response to paragraph (g) of the State's request, or the State's request for more specific reasons for the delay in responding to the remainder of the State's request.

Best,

Bryan Clark

Bryan C. Clark
Assistant Solicitor General
Office of Kansas Attorney General Derek Schmidt
120 SW 10th Avenue, 3rd Floor

Topeka, KS 66612-1597
(785)368-7020 Phone
(785)291-3767 Fax
Bryan.Clark@ag.ks.gov
www.ag.ks.gov

This communication, and any attachments, are private and confidential and are for the exclusive use of the intended recipient. The information contained herein as well as any attachments are privileged under the attorney-client and work-product doctrines. If you are not the intended recipient and have received this communication in error, please notify the sender immediately and destroy all copies. Please do not read or distribute or take any action in reliance upon this message as any unauthorized disclosure, copying, distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. We do not waive the attorney-client or work-product privilege by the transmission of this message.

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

From: Marye, Charles C CIV WHS ESD (US) [mailto:charles.c.marye.civ@mail.mil]
Sent: Thursday, April 21, 2016 2:16 PM
To: Clark, Bryan
Subject: FOIA 16-F-0329 Revised Estimated Completion Date and Status Update

Mr. Clark,

I received your voice mail requesting an update on the status of your FOIA case 16-F-0329. Copies of your request and the amendment to items A and G are attached. When we had last spoken in March I had provided an Estimated Completion Date (EDC) of 04/15/2016. This date was based upon information provided by the component office conducting the search. I also stressed that this was only an estimate and was subject to change. When we had spoken you had also expressed an interest in item G in particular. I passed this information to the component office who in turn has focused additional effort on item G. These efforts have paid off and the search is now beginning to enter the review stage for the component office. It has been determined at this time that additional coordination is required to process the records for your request.

Item G has been passed to my office for further coordination. We hope to be able to provide item G ahead of the remainder of your request, however it does require coordination with other agencies outside of this office. At the present time my component office has provided an updated estimated completion date of 11/15/2016 for the remainder of your request. We should be able to provide Item G ahead of this date, however I cannot provide a firm date for item G at this time.

Please note all documents are reviewed before we respond. Further note the unusual circumstances concerning your cases are: (a) the need to search for and collect records from a facility geographically separated from this Office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. These 3 factors do have an impact on the processing of your case. I appreciate your patience and understanding in this matter.

If you have any further questions, please contact me directly.

V/R

Charles Marye
OSD/JS Office of Freedom of Information
(571) 372-0407

NIPR: charles.c.marye.civ@mail.mil

SIPR: charles.c.marye.civ@mail.smil.mil