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Harold Edward Rutila IV  
2255 Arkansas Lane  
Apt # 3311  
Grand Prairie, TX 75052  
(810) 845 - 3497  
h.rutila@gmail.com  
Plaintiff in *Pro Se*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

Harold Edward Rutila IV,  
  
Plaintiff,  
  
vs.  
  
United States Department of  
Transportation;  
Federal Aviation Administration,  
  
Defendants

Case No.: **3-16CV3433-N**

**COMPLAINT FOR INJUNCTIVE  
RELIEF**

Plaintiff Harold Edward Rutila IV, brings this action against Federal Defendants  
U.S. Department of Transportation and Federal Aviation Administration to compel  
compliance with the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") and the

1 Administrative Procedure Act (“APA”), 5 U.S.C. §§ 551-559. As grounds therefor,  
2 Plaintiff alleges as follows:  
3

4 **JURISDICTION AND VENUE**

- 5 1. The court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and  
6 28 U.S.C. § 1331.  
7  
8 2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

9 **PARTIES**

- 10 3. Plaintiff Harold Edward Rutila IV is a resident of Grand Prairie, Texas. Plaintiff  
11 seeks to promote transparency, accountability, and integrity in government.  
12 Plaintiff has been impacted by Defendants actions with respect to Plaintiff’s  
13 employment with Defendant Federal Aviation Administration.  
14  
15 4. Defendant U.S. Department of Transportation (“DOT”) is an agency of the United  
16 States Government, within the meaning of FOIA, pursuant to 5 U.S.C. § 552(f).  
17 DOT is a cabinet-level department. Through its various operating administrations,  
18 the DOT promulgates regulations and policies governing transportation within the  
19 United States, including aviation. DOT is headquartered at 1200 New Jersey  
20 Avenue, SE. Washington, DC 20590.  
21  
22 5. Defendant Federal Aviation Administration (“FAA”) is the national aviation  
23 authority of the United States. As an operating administration and component of  
24 the DOT, it has authority to regulate all aspects of American civil aviation. The  
25  
26  
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1 FAA retains possession, custody, and control over the records sought by Plaintiff.

2 FAA is headquartered at 800 Independence Ave SW, Washington, DC 20591.

3  
4 **GENERAL ALLEGATIONS**

5 6. Plaintiff challenges Defendants' failure to provide responsive documents, or an  
6 adverse determination, within the statutory time limits required by FOIA.

7 Defendants have therefore constructively denied Plaintiff's requests, pursuant to 5  
8 U.S.C. § 552(a)(6)(C).

9  
10 7. Plaintiff is consolidating several FOIA requests within the same action, in an  
11 attempt to conserve resources for all parties and this Court. All requests are not  
12 related, but all requests do involve the same requestor and agency.

13  
14 8. The Department of Transportation is considered the "agency", within the meaning  
15 of FOIA, for FOIA requests submitted to the Federal Aviation Administration.

16  
17 9. The Federal Aviation Administration is an operating administration and  
18 component within the agency that is the DOT. 49 CFR § 7.2.

19  
20 10. The time limits with respect to FOIA begin "after the request is received by the  
21 appropriate FOIA Requester Service Center designated in [49 CFR] § 7.27." 49  
22 CFR § 7.31.

23 **2017-000803 – "Academy Air Traffic Information"**

24 11. On or about October 27, 2016, Plaintiff submitted a FOIA request via electronic  
25 mail seeking access to records under FOIA, regarding descriptions and  
26  
27  
28

1 responsibilities of several units within the FAA's Academy in Oklahoma City. *See*  
2 Exhibit 1 – 2017-000803 Submission.

3  
4 12. Plaintiff submitted the above mentioned request to the appropriate component and  
5 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.

6 13. Defendant FAA's timer to begin processing the request began on October 27<sup>th</sup>.

7  
8 14. On or about October 27, 2016, Defendant FAA acknowledged the request and  
9 assigned the request tracking number 2017-000803. *See* Exhibit 2 – 2017-000803  
10 Acknowledgment.

11 15. Defendant assigned the request to the Aeronautical Center. *Id.*

12  
13 16. On or about November 15, 2016 at 2:52 PM, Plaintiff received correspondence  
14 which appears to be intended for "Mr. Rojas", from Defendant FAA Employee  
15 Edward Drake ("Drake"), in which, *inter alia*, Drake requested the definition of  
16 the word "'documentation,' as this is a little too ambiguous for us to process." *See*  
17 Exhibit 3 – 2017-000803 November 15<sup>th</sup> Email from Drake.

18  
19 17. On or about November 15, 2016 at 2:53 PM, Plaintiff received correspondence  
20 which appears identical in nature to the previous email, this time addressed to the  
21 appropriate individual. *See Id.*

22  
23 18. In the same email, Drake stated Defendant was "invoking ten additional days to  
24 respond." *Id.*

1 19. Defendant FAA's FOIA submission website contains the language of "documents,  
2 or documents containing the following information."

3  
4 20. In the same email, Mr. Drake stated, "If the request still falls under exceptional  
5 circumstances, the ten-day extension will stand." *Id.*

6 21. Defendant has yet to demonstrate that the term "exceptional circumstances,"  
7 within the meaning of FOIA, applies to this request.  
8

9 22. Defendant has yet to demonstrate that the term "unusual circumstances," within  
10 the meaning of FOIA, applies to this request.

11 23. Defendant attempts to switch from an attempt to claim unusual circumstances to  
12 an attempt to claim exceptional circumstances.  
13

14 24. On or about November 21, 2016, Plaintiff replied to Defendant's clarification  
15 email. See Exhibit 4 – 2017-000803 November 21st Email from Plaintiff.

16 25. On or about November 21, 2016, Mr. Drake replied to Plaintiff's clarification  
17 email, and stated, *inter alia*, "I have passed this information along to the  
18 responding organization. As soon as we agree on the scope, I will move this  
19 request from Hold to Active. Although, your due date will get pushed out a little  
20 due to the scope clarification needed, our target is to release ASAP." See Exhibit 5  
21 – 2017-000803 November 21st Email from Drake.  
22  
23

24 26. Defendant's "timer" for the purpose of complying with this request can be  
25 "paused" for the purpose of requesting clarification regarding the request one time,  
26  
27  
28

1 until such time of the “agency’s receipt of the requester’s response.” 5 U.S.C. §§  
2 552 (a)(6)(A)(ii)-(II).

3  
4 27. On or about November 29, 2016, Plaintiff received correspondence from Drake in  
5 which, *inter alia*, Drake stated “I am working to contact all responding parties to  
6 confirm if additional information is required to begin processing your request. I  
7 will have an answer for you today.” See Exhibit 6 – 2017-000803 November 21st  
8 Email from Drake.  
9

10 28. On or about November 29, 2016, Plaintiff received correspondence from Drake in  
11 which, *inter alia*, Drake stated a renewed interpretation of the request and asked  
12 for Plaintiff to confirm. See Exhibit 7 – 2017-000803 November 29th Email from  
13 Drake.  
14

15 29. On or about November 30, 2016, Plaintiff replied to Mr. Drake’s renewed  
16 interpretation. See Exhibit 8 – 2017-000803 November 30<sup>th</sup> Email from Plaintiff.  
17

18 30. On or about November 30, 2016, Plaintiff received an auto-reply email from Mr.  
19 Drake stating he was out of office. See Exhibit 9 – 2017-000803 November 29th  
20 Auto-Reply.  
21

22 31. On or about December 8, 2016, Plaintiff received correspondence from Drake in  
23 which, *inter alia*, Drake stated that the agency was “in the process of reviewing  
24 the below mentioned Air Traffic Training Manual and the Position Description  
25  
26  
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28

1 documents for release.” See Exhibit 10 – 2017-000803 December 8th Email from  
2 Drake.

3  
4 32. On or about December 12, 2016, Plaintiff requested an estimated completion date  
5 from Defendant. See Exhibit 11 – 2017-000803 December 12th Email to Drake.

6 33. Defendant, as of the date of filing this complaint, has failed to provide such date.

7  
8 34. FOIA requires agencies to provide estimated completion dates. 5 U.S.C. § 552  
9 (a)(7)(B)(ii).

10 35. Upon information and belief, Defendant’s repeated refusal to provide estimated  
11 dates of completion represents an ongoing policy, practice, pattern, or procedure.

12  
13 36. A policy, practice, pattern, or procedure of refusing to provide estimated dates of  
14 completion to requesters is in violation of FOIA. Such a practice constitutes  
15 outrageous conduct for purposes of the broad equitable powers provided by FOIA  
16 to the Court. Such a policy is arbitrary, capricious, and abuse of discretion, or  
17 otherwise contrary to law.  
18

19 37. As a frequent FOIA requester, Plaintiff will continue to be harmed by this ongoing  
20 practice in the future.

21  
22 38. Plaintiff is therefore entitled to relief in the form of a declaratory order that  
23 Defendant is in violation of its statutory responsibilities under FOIA and an  
24 injunction compelling Defendant pursuant to that statute to provide estimated  
25 dates of completion upon request.  
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1 39. Plaintiff has yet to receive any other communication from Defendant FAA  
2 regarding this request.

3  
4 40. Plaintiff incorporates the original request and all correspondence as if fully  
5 restated herein.

6 41. As of the date of the Compliant, Defendants have failed to: (i) produce the  
7 requested records or determine that the requested records are lawfully exempt  
8 from production; (ii) notify Plaintiff of the scope of any responsive records  
9 Defendant intends to produce or withhold and the reasons for any withholdings; or  
10 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
11 determination.  
12

13  
14 42. As more than twenty working days have passed since the date the request was  
15 received by the appropriate component and operating administration of the DOT,  
16 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
17 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
18 U.S.C. § 552(a)(6)(C)(i).  
19

20  
21 43. Defendant is unable to charge search fees for this request, as it has failed to  
22 provide responsive records within the statutory time limits. 5 U.S.C. §  
23 552(a)(4)(A)(viii).  
24

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**2017-000862 – “Individual Account Records Request”**

1  
2 44. On or about October 26, 2016, Plaintiff submitted a FOIA request via electronic  
3 mail seeking access to records under FOIA concerning account records for FAA  
4 employee Madeline Bostic. See Exhibit 12 – 2017-000862 Submission.

5  
6 45. Plaintiff submitted the above mentioned request to the appropriate component and  
7 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.  
8

9 46. Defendant FAA’s timer to begin processing the request began on October 26<sup>th</sup>.

10 47. On or about November 21, 2016, Defendant FAA acknowledged the request and  
11 assigned the request tracking number 2017-000862. See Exhibit 13 – 2017-000862  
12 Acknowledgment.  
13

14 48. Defendant assigned the request to the FOIA Program Management Branch. *Id.*

15 49. On or about December 14, 2016, Plaintiff requested an estimated completion date  
16 from Defendant. See Exhibit 14 – 2017-000862 December 14th Email to Drake.  
17

18 50. Defendant, as of the date of filing this complaint, has failed to provide such date.

19 51. On or about December 15, 2016, Defendant received an email from Defendant  
20 FAA Employee Susan McLean which stated, *inter alia*, that it was awaiting  
21 internal “guidance” regarding the request, and that it would be unable to provide a  
22 date until such guidance was received. See Exhibit 18 – 2017-000862 December  
23 15<sup>th</sup> Email from Susan.  
24  
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1 52. FOIA requires agencies to provide estimated completion dates. 5 U.S.C. § 552

2 (a)(7)(B)(ii).

3  
4 53. Defendant's December 15<sup>th</sup> email fails to provide such date.

5 54. Upon information and belief, Defendant's repeated refusal to provide estimated  
6 dates of completion represents an ongoing policy, practice, pattern, or procedure.

7  
8 55. A policy, practice, pattern, or procedure of refusing to provide estimated dates of  
9 completion to requesters is in violation of FOIA. Such a practice constitutes  
10 outrageous conduct for purposes of the broad equitable powers provided by FOIA  
11 to the Court. Such a policy is arbitrary, capricious, and abuse of discretion, or  
12 otherwise contrary to law.

13  
14 56. As a frequent FOIA requester, Plaintiff will continue to be harmed by this ongoing  
15 practice in the future.

16  
17 57. Plaintiff is therefore entitled to relief in the form of a declaratory order that  
18 Defendant is in violation of its statutory responsibilities under FOIA and an  
19 injunction compelling Defendant pursuant to that statute to provide estimated  
20 dates of completion upon request.

21  
22 58. Plaintiff has yet to receive any other communication from Defendant FAA  
23 regarding this request.

24  
25 59. Plaintiff incorporates the original request and all correspondence as if fully  
26 restated herein.

1 60. As of the date of the Compliant, Defendants have failed to: (i) produce the  
2 requested records or determine that the requested records are lawfully exempt  
3 from production; (ii) notify Plaintiff of the scope of any responsive records  
4 Defendant intends to produce or withhold and the reasons for any withholdings; or  
5 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
6 determination.  
7  
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9 61. As more than twenty working days have passed since the date the request was  
10 received by the appropriate component and operating administration of the DOT,  
11 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
12 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
13 U.S.C. § 552(a)(6)(C)(i).  
14

15 62. Defendant is unable to charge search fees for this request, as it has failed to  
16 provide responsive records within the statutory time limits. 5 U.S.C. §  
17 552(a)(4)(A)(viii).  
18

19 **2017-001174 – “Rick Mitchell Computer File Structure”**

20 63. On or about October 27, 2016, Plaintiff submitted a FOIA request via electronic  
21 mail seeking access to records under FOIA concerning FAA employee Rick  
22 Mitchell's file directory structure. *See* Exhibit 15 – 2017-001174 Submission.  
23

24 64. Plaintiff submitted the above mentioned request to the appropriate component and  
25 operating administration of the DOT, the FAA, pursuant to 49 CFR Part 7.  
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1 65. Defendant FAA's timer to begin processing the request began on October 27<sup>th</sup>.

2 66. On or about November 14, 2016, Defendant FAA acknowledged the request and  
3 assigned the request tracking number 2017-001174. *See* Exhibit 16 – 2017-001174

4 Acknowledgment.

5  
6 67. Defendant assigned the request to the FOIA Program Management Branch. *Id.*

7 68. On or about December 14, 2016, Plaintiff requested an estimated completion date  
8 from Defendant. *See* Exhibit 17 – 2017-001174 December 14<sup>th</sup> Email to Drake.

9  
10 69. Defendant, as of the date of filing this complaint, has failed to provide such date.

11 70. On or about December 15, 2016, Defendant received an email from Defendant  
12 FAA Employee Susan McLean which stated, *inter alia*, that it was awaiting  
13 internal "guidance" regarding the request, and that it would be unable to provide a  
14 date until such guidance was received. *See* Exhibit 19 – 2017-001174 December  
15 15<sup>th</sup> Email from Susan.

16  
17  
18 71. FOIA requires agencies to provide estimated completion dates. 5 U.S.C. § 552  
19 (a)(7)(B)(ii).

20 72. Defendant's December 15<sup>th</sup> email fails to provide such date.

21  
22 73. FOIA requires agencies to provide estimated completion dates. 5 U.S.C. § 552  
23 (a)(7)(B)(ii).

24 74. Upon information and belief, Defendant's repeated refusal to provide estimated  
25 dates of completion represents an ongoing policy, practice, pattern, or procedure.  
26  
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1 75. A policy, practice, pattern, or procedure of refusing to provide estimated dates of  
2 completion to requesters is in violation of FOIA. Such a practice constitutes  
3 outrageous conduct for purposes of the broad equitable powers provided by FOIA  
4 to the Court. Such a policy is arbitrary, capricious, and abuse of discretion, or  
5 otherwise contrary to law.  
6

7 76. As a frequent FOIA requester, Plaintiff will continue to be harmed by this ongoing  
8 practice in the future.  
9

10 77. Plaintiff is therefore entitled to relief in the form of a declaratory order that  
11 Defendant is in violation of its statutory responsibilities under FOIA and an  
12 injunction compelling Defendant pursuant to that statute to provide estimated  
13 dates of completion upon request.  
14

15 78. Plaintiff has yet to receive any other communication from Defendant FAA  
16 regarding this request.  
17

18 79. Plaintiff incorporates the original request and all correspondence as if fully  
19 restated herein.  
20

21 80. As of the date of the Complaint, Defendants have failed to: (i) produce the  
22 requested records or determine that the requested records are lawfully exempt  
23 from production; (ii) notify Plaintiff of the scope of any responsive records  
24 Defendant intends to produce or withhold and the reasons for any withholdings; or  
25  
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1 (iii) inform Plaintiff that it may appeal any adequately specific, adverse  
2 determination.

3  
4 81. As more than twenty working days have passed since the date the request was  
5 received by the appropriate component and operating administration of the DOT,  
6 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
7 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
8 U.S.C. § 552(a)(6)(C)(i).

9  
10 82. Defendant is unable to charge search fees for this request, as it has failed to  
11 provide responsive records within the statutory time limits. 5 U.S.C. §  
12 552(a)(4)(A)(viii).

13  
14 83. As more than twenty working days have passed since the date the request was  
15 received by the appropriate component and operating administration of the DOT,  
16 Defendants have therefore constructively denied Plaintiff's request. Plaintiff is  
17 therefore eligible to bring forth the instant action. 5 U.S.C. § 552(a)(6)(A)(ii). 5  
18 U.S.C. § 552(a)(6)(C)(i).

19  
20 84. Defendant is unable to charge search fees for this request, as it has failed to  
21 provide responsive records within the statutory time limits. 5 U.S.C. §  
22 552(a)(4)(A)(viii).

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**Count I: Violation of FOIA: Failure to Comply With Statutory Deadlines**

1  
2 85. Plaintiff fully restates and incorporates by reference all previous paragraphs as if  
3 fully restated here.  
4

5 86. Defendants are violating FOIA by failing to search for and provide all records  
6 responsive to Plaintiff's requests or demonstrate that the requested records are  
7 lawfully exempt from production.  
8

9 87. Plaintiff is being irreparably harmed by reason of Defendant's violation of FOIA,  
10 and Plaintiff will continue to be irreparably harmed unless Defendant is compelled  
11 to comply with FOIA.  
12

13 88. To trigger FOIA's administrative exhaustion requirement, Defendants were  
14 required to determine whether to comply with Plaintiff's request within twenty  
15 working days of receiving the request, which is the same date as the initial  
16 submission, as the request was submitted to the appropriate component and  
17 operating administration of the DOT, the FAA.  
18

19 89. Plaintiff seeks that this Court order Defendant to provide responsive records and  
20 complete an adequate search.  
21

22 90. Plaintiff is entitled to injunctive relief compelling the release and disclosure of the  
23 requested agency records.  
24

25 ///  
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1                    **Count II: Violation of FOIA/APA: Failure to Provide Estimated Dates of**  
2    **Completion/Failure to Complete Agency Action**  
3

4                    91. FOIA requires agencies to provide estimated completion dates. 5 U.S.C. § 552  
5    (a)(7)(B)(ii).

6                    92. Upon information and belief, Defendant's repeated refusal to provide estimated  
7    dates of completion represents an ongoing policy, practice, pattern, or procedure.  
8

9                    93. A policy, practice, pattern, or procedure of refusing to provide estimated dates of  
10    completion to requesters is in violation of FOIA. Such a practice constitutes  
11    outrageous conduct for purposes of the broad equitable powers provided by FOIA  
12    to the Court. Such a policy is arbitrary, capricious, and abuse of discretion, or  
13    otherwise contrary to law.  
14

15                    94. As a frequent FOIA requester, Plaintiff will continue to be harmed by this ongoing  
16    practice in the future.  
17

18                    95. Plaintiff is therefore entitled to relief in the form of a declaratory order that  
19    Defendant is in violation of its statutory responsibilities under FOIA and an  
20    injunction compelling Defendant pursuant to that statute to provide estimated  
21    dates of completion upon request.  
22

23                    96. Defendant has failed to complete agency action within the meaning of the  
24    Administrative Procedure Act.  
25

26                    ///



**REQUESTED RELIEF**

WHEREFORE, plaintiff prays this Court:

(1) order Defendant to conduct a search for any and all responsive records to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests;

(2) order Defendant to produce any and all claimed nonexempt records to Plaintiff's FOIA requests and a Vaughn index of any responsive records withheld under claim of exemption;

(3) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E);

(4) expedite this proceeding as provided in 28 U.S.C. § 1657;

(5) refer the inappropriate handling of FOIA requests for investigation, under the authority of 5 U.S.C. § 552(a)(4)(F);

(6) declare the agency's actions to be arbitrary, capricious, and an abuse of discretion;

(7) grant such other and further relief as may deem just and proper;

(8) order Defendant to provide estimated completion dates promptly after requested;

///

1 Respectfully submitted,

2 Harold Edward Rutila IV

3 2255 Arkansas Lane

4 APT # 3311

5 Grand Prairie, TX 75052

6  
7  
8 DATED: DECEMBER 15, 2016

9 

10 

---

Harold Edward Rutila IV  
In Pro Se

# EXHIBIT 1



Harold R &lt;h.rutila@gmail.com&gt;

---

**FOIA Request – FAA Academy AT Training Branch Information**

1 message

---

**Harold R** <h.rutila@gmail.com>

Thu, Oct 27, 2016 at 10:24 AM

To: 7-awa-arc-foia@faa.gov, edward.drake@faa.gov, melanie.yohe@faa.gov

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Documents containing a description and the responsibilities of the following sections and units of the Air Traffic Training Branch of the FAA Academy, as well as position descriptions of employee positions within them:

1. Air Traffic En-Route Section
  - a. Air Traffic Advanced En-Route Operations Unit
  - b. Air Traffic En-Route Development Unit
  - c. Air Traffic En-Route Operations Unit
  
2. Air Traffic Terminal Radar Operations Section
  - a. Air Traffic Specialized Training Unit
  - b. Air Traffic Terminal Operations Unit
  - c. Air Traffic Terminal Radar Development Unit
  
3. Air Traffic Tower Section
  - a. Air Traffic Tower Operations Unit
  - b. Air Traffic Tower Development Unit
  - c. Air Traffic Advanced Tower Operations Unit

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is:  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497

# EXHIBIT 2



Harold R <h.rutila@gmail.com>

**RE: FOIA# 2017-000803 – FAA Academy AT Training Branch Information**

edward.drake@faa.gov <edward.drake@faa.gov>

Thu, Oct 27, 2016 at 6:00 PM

To: h.rutila@gmail.com

Cc: 7-awa-arc-foia@faa.gov, Melanie.Yohe@faa.gov, 9-AMC-FOIA-Request@faa.gov

Mr. Rutila:

Attached is your Acknowledgement Letter for your FOIA request, and the request has been assigned.

Thank you,

**Edward E Drake**

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

edward.drake@faa.gov

**From:** Harold R [mailto:h.rutila@gmail.com]

**Sent:** Thursday, October 27, 2016 10:24 AM

**To:** 7-AWA-ARC-FOIA (FAA); Drake, Edward (FAA); Yohe, Melanie (FAA)

**Subject:** FOIA Request – FAA Academy AT Training Branch Information

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Documents containing a description and the responsibilities of the following sections and units of the Air Traffic Training Branch of the FAA Academy, as well as position descriptions of employee positions within them:

1. Air Traffic En-Route Section

- a. Air Traffic Advanced En-Route Operations Unit
- b. Air Traffic En-Route Development Unit
- c. Air Traffic En-Route Operations Unit

2. Air Traffic Terminal Radar Operations Section

- a. Air Traffic Specialized Training Unit
- b. Air Traffic Terminal Operations Unit

3. Air Traffic Tower Section

- a. Air Traffic Tower Operations Unit
- b. Air Traffic Tower Development Unit
- c. Air Traffic Advanced Tower Operations Unit

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is:  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497

---

 **ACK Letter.pdf**  
81K



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aeronautical Center  
6500 S. MacArthur  
Oklahoma City, OK 73125

October 27, 2016

Mr. Harold Rutila  
2255 Arkansas Lane  
Apt 3311  
Grand Prairie, TX 75052

Re: Freedom of Information Act (FOIA) Request 2017-000803

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated October 27, 2016, concerning Documents containing a description and the responsibilities of the following sections and units of the Air Traffic Training Branch of the FAA Academy, as well as position descriptions of employee positions within them: Air Traffic En-Route Section; Air Traffic Terminal Radar Operations Section; Air Traffic Tower Section.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Aeronautical Center (AMC-003)  
6500 S. MacArthur  
Oklahoma City, OK 73125

Contact: Edward Drake  
FOIA Coordinator for AMC  
(405) 954-7327

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Drake".

Edward Drake  
FOIA Coordinator for AMC



# EXHIBIT 3



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: FOIA Request# 2017-00803\_ – FAA Academy AT Training Branch Information**

---

edward.drake@faa.gov <edward.drake@faa.gov>  
To: h.rutila@gmail.com  
Cc: 9-AMC-FOIA-Request@faa.gov

Tue, Nov 15, 2016 at 2:52 PM

Mr. Rojas,

We need your help with scope clarification. The responding organization needs you to define “documentation” as this is a little too ambiguous for us to process. If you could, please tell us what specific type documentation you are seeking when you say, “documents containing the following information.” If we do not narrow the scope this request could be very voluminous and will require additional time for us to process, as it could include any or all of the following:

- I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request,
- II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
- III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Keep in mind that search fees will also be assessed, depending on the scope.

Until it is determined otherwise, we are invoking ten additional days to respond. Even after clarification, if the request still falls under exceptional circumstances, the ten day extension will stand.

Please reply to all with clarification.

Thank you,

**Edward E Drake**

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

**8**

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Thursday, October 27, 2016 10:24 AM  
**To:** 7-AWA-ARC-FOIA (FAA); Drake, Edward (FAA); Yohe, Melanie (FAA)  
**Subject:** FOIA Request – FAA Academy AT Training Branch Information

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Documents containing a description and the responsibilities of the following sections and units of the Air Traffic Training Branch of the FAA Academy, as well as position descriptions of employee positions within them:

1. Air Traffic En-Route Section
  - a. Air Traffic Advanced En-Route Operations Unit
  - b. Air Traffic En-Route Development Unit
  - c. Air Traffic En-Route Operations Unit
  
2. Air Traffic Terminal Radar Operations Section
  - a. Air Traffic Specialized Training Unit
  - b. Air Traffic Terminal Operations Unit
  - c. Air Traffic Terminal Radar Development Unit
  
3. Air Traffic Tower Section
  - a. Air Traffic Tower Operations Unit
  - b. Air Traffic Tower Development Unit
  - c. Air Traffic Advanced Tower Operations Unit

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is:  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information**

---

edward.drake@faa.gov <edward.drake@faa.gov>  
To: h.rutila@gmail.com  
Cc: 9-AMC-FOIA-Request@faa.gov

Tue, Nov 15, 2016 at 2:53 PM

Mr. Rutila,

We need your help with scope clarification. The responding organization needs you to define "documentation" as this is a little too ambiguous for us to process. If you could, please tell us what specific type documentation you are seeking when you say, "documents containing the following information." If we do not narrow the scope this request could be very voluminous and will require additional time for us to process, as it could include any or all of the following:

- I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request,
- II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
- III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Keep in mind that search fees will also be assessed, depending on the scope.

Until it is determined otherwise, we are invoking ten additional days to respond. Even after clarification, if the request still falls under exceptional circumstances, the ten day extension will stand.

Please reply to all with clarification.

Thank you,

**Edward E Drake**

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

**10**

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Thursday, October 27, 2016 10:24 AM  
**To:** 7-AWA-ARC-FOIA (FAA); Drake, Edward (FAA); Yohe, Melanie (FAA)  
**Subject:** FOIA Request – FAA Academy AT Training Branch Information

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

Documents containing a description and the responsibilities of the following sections and units of the Air Traffic Training Branch of the FAA Academy, as well as position descriptions of employee positions within them:

1. Air Traffic En-Route Section
  - a. Air Traffic Advanced En-Route Operations Unit
  - b. Air Traffic En-Route Development Unit
  - c. Air Traffic En-Route Operations Unit
  
2. Air Traffic Terminal Radar Operations Section
  - a. Air Traffic Specialized Training Unit
  - b. Air Traffic Terminal Operations Unit
  - c. Air Traffic Terminal Radar Development Unit
  
3. Air Traffic Tower Section
  - a. Air Traffic Tower Operations Unit
  - b. Air Traffic Tower Development Unit
  - c. Air Traffic Advanced Tower Operations Unit

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is:  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497

# EXHIBIT 4



Harold R <h.rutila@gmail.com>

---

**RE: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information**

---

Harold R <h.rutila@gmail.com>  
To: edward.drake@faa.gov

Mon, Nov 21, 2016 at 12:07 PM

Dear Mr. Drake,

To provide clarification as requested, I'm seeking a record or records that establish the purpose, including the duties and responsibilities, of the aforementioned sections and units of the Air Traffic Training Branch, as well as the purpose, including duties and responsibilities, of the employees who work within those sections and units.

Sincerely,  
Harold

[Quoted text hidden]

# EXHIBIT 5





Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information**

---

edward.drake@faa.gov &lt;edward.drake@faa.gov&gt;

Mon, Nov 21, 2016 at 4:59 PM

To: h.rutila@gmail.com

Cc: 9-AMC-FOIA-Request@faa.gov

Dear Mr. Rutila:

I have passed this information along to the responding organization. As soon as we agree on the scope, I will move this request from Hold to Active. Although, your due date will get pushed out a little due to the scope clarification needed, our target is to release ASAP.

I will provide you status as soon as I hear from the Respondent.

Thank you for the clarification- Ed

**Edward E Drake**

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

edward.drake@faa.gov

**From:** Harold R [mailto:h.rutila@gmail.com]**Sent:** Monday, November 21, 2016 12:07 PM**To:** Drake, Edward (FAA)**Subject:** Re: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information

[Quoted text hidden]

# EXHIBIT 6



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information**

---

**9-AMC-FOIA-Request@faa.gov** <9-AMC-FOIA-Request@faa.gov>  
To: h.rutila@gmail.com  
Cc: edward.drake@faa.gov

Tue, Nov 29, 2016 at 10:55 AM

Dear Mr. Rutila:

I am working to contact all responding parties to confirm if additional information is required to begin processing your request. I will have an answer for you today.

Thank you,

**Edward E Drake**

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

edward.drake@faa.gov

---

**From:** Drake, Edward (FAA)**Sent:** Monday, November 21, 2016 4:59 PM**To:** Harold R**Cc:** 9-AMC-FOIA-Request (FAA)**Subject:** RE: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information

[Quoted text hidden]

# EXHIBIT 7



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: FOIA Request# 2017-00803\_ – FAA Academy AT Training Branch Information**

---

edward.drake@faa.gov <edward.drake@faa.gov>  
To: h.rutila@gmail.com  
Cc: 9-AMC-FOIA-Request@faa.gov

Tue, Nov 29, 2016 at 6:05 PM

Dear Mr. Rutila:

Please see the following comments from the Respondent regarding the scope clarification:

We are understanding that you are asking for the description of what the training branch, training sections, and training units of the Air Traffic Division, AMA-500, of the FAA Academy does. We currently have the following available as an agency record. No other description documents are available. Position Description (PDs) documents are also available.

**AMAWI-50001, Air Traffic Technical Training** work instruction that speaks to the core functions of the Air Traffic Division, AMA-500 of the FAA Academy as defined within the functional statement:

- 1.1. The division delivers initial, advanced, and specialized training. The division:
  - 1.1.1. Supports the FAA's safety mission through the implementation of the Plan for the Future, the FAA's 10 Year Strategy for the Air Traffic Control Workforce, focusing on air traffic controller training.
  - 1.1.2. Delivers supervisory/managerial and technical training to meet the Air Traffic Organization's (ATO) requirements as tasked by the Air Traffic Controller Training and Development Division.
  - 1.1.3. Supports the Airports & International Training Division by providing resources, including subject matter experts, instructors, labs, etc.
- 1.2. The division has established the following quality objectives:
  - 1.2.1. 1.2.1 Provide best value to customers as we meet their requirements by attaining 92% in end of course evaluations and 98% in meeting negotiated tasking deadlines.
  - 1.2.2. Value the contributions of our employees through use of the FAA Recognition Programs and holding several Question/Answer/Listening sessions annually.
  - 1.2.3. Seek continual improvement through use of our quality management system, consistent evaluation of training by the Quality Branch, and by maintaining ISO certification.

Please confirm this is what you are seeking and let us know how you would like to proceed or if you have additional questions.

Thank you,

## Edward E Drake

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

edward.drake@faa.gov

---

**From:** 9-AMC-FOIA-Request (FAA)

**Sent:** Tuesday, November 29, 2016 10:55 AM

**To:** Harold R

**Cc:** Drake, Edward (FAA)

[Quoted text hidden]

[Quoted text hidden]

# EXHIBIT 8



Harold R <h.rutila@gmail.com>

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**RE: FOIA Request# 2017-00803\_ – FAA Academy AT Training Branch Information**

---

Harold R <h.rutila@gmail.com>  
To: edward.drake@faa.gov

Wed, Nov 30, 2016 at 3:01 PM

Hi Mr. Drake,

Thank you for the information. I would also like to request the position description documents, and any other documents that they have given Human Resources to justify or describe the positions.

Sincerely,  
Harold

[Quoted text hidden]



# EXHIBIT 9



Harold R <h.rutila@gmail.com>

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**Automatic reply: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information**

---

edward.drake@faa.gov <edward.drake@faa.gov>  
To: h.rutila@gmail.com

Wed, Nov 30, 2016 at 3:01 PM

I will be out of the office Wednesday, November 30th returning Thursday, December 1st.

I will respond to all messages when I return.

Thank you.

# EXHIBIT 10



Harold R &lt;h.rutila@gmail.com&gt;

---

**RE: FOIA Request# 2017-00803\_ – FAA Academy AT Training Branch Information**

---

edward.drake@faa.gov <edward.drake@faa.gov>  
To: h.rutila@gmail.com  
Cc: 9-AMC-FOIA-Request@faa.gov

Thu, Dec 8, 2016 at 4:37 PM

Mr. Rutila,

I spoke to the responding organization today and they are in the process of reviewing the below mentioned Air Traffic Training Manual and the Position Description documents for release.

Thank you,

**Edward E Drake**

Quality Systems and Business Resources, AMC-003

6500 S. MacArthur Blvd, Oklahoma City, OK 73169

Phone: (405) 954-7327 | Fax: (405) 954-9964

edward.drake@faa.gov

**From:** Harold R [mailto:h.rutila@gmail.com]**Sent:** Wednesday, November 30, 2016 3:01 PM

[Quoted text hidden]

[Quoted text hidden]

# EXHIBIT 11



Harold R <h.rutila@gmail.com>

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**RE: FOIA Request# 2017-00803\_ - FAA Academy AT Training Branch Information**

---

Harold R <h.rutila@gmail.com>  
To: edward.drake@faa.gov

Mon, Dec 12, 2016 at 8:21 AM

Mr. Drake,

Thank you for the update. I was wondering if you had any information about a date by which the responding office expects to release the records.

Sincerely,  
Harold

[Quoted text hidden]

# EXHIBIT 12



Harold R &lt;h.rutila@gmail.com&gt;

---

**FOIA Request – Individual Account Records**

1 message

---

**Harold R** <h.rutila@gmail.com>

Wed, Oct 26, 2016 at 9:24 AM

To: 7-awa-arc-foia@faa.gov, susan.mclean@faa.gov

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

1. All BMC Remedy records for Madeline Bostic. BMC Remedy was accessible for employees as of several months ago, internally, from nsc.faa.gov. BMC Remedy is the system used to keep track of support tickets for the FAA. This search should be performed on all persons who come up for this name. The records requested include the Notes, Summary, Work Info, and Resolution tabs. A printout or report (which simply provides the information from the underlying record database) should comply with this request. Include all attachments found in the Work Info section. Provide a copy of all related tickets, as well as the Relationships section.
2. All VMAT requests submitted for Madeline Bostic. This includes those requests for which the user name was entered manually (i.e. account creation). Provide a copy of the VMAT request and any related information, like the above request.
3. All emails, including attachments, sent to NSC@faa.gov or other Service Center, IT Center, etc. mailboxes, regarding Madeline Bostic. This includes those emails for which Madeline Bostic is mentioned in the contents of the email. This request includes Outlook, Proofpoint, and Lotus Notes. The scope of the timeline for this request is from 2011 to the present.
4. Copy of the Active Directory Account profile (all tabs) for Madeline Bostic, available from the Active Directory Users and Computers tool.
5. Copy of the NEXTGEN Toolbox profile for Madeline Bostic, available from the NEXTGEN Toolbox, a tool used by officials in the VMAT department.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is:  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497



# EXHIBIT 13



Harold R <h.rutila@gmail.com>

**FOIA Request - Individual Account Records**

**7-awa-arc-foia@faa.gov** <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Tue, Nov 1, 2016 at 7:50 AM


Good Morning,

Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, October 26, 2016 10:24 AM  
**To:** 7-AWA-ARC-FOIA (FAA); McLean, Susan (FAA)  
**Subject:** FOIA Request - Individual Account Records

[Quoted text hidden]

 **Ack Letter 2017-000862\_Rutila.pdf**  
46K



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

November 01, 2016

Mr. Harold Rutila  
2255 Arkansas Lane  
Apt 3311  
Grand Prairie, TX 75052

Re: Freedom of Information Act (FOIA) Request 2017-000862

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated October 26, 2016, concerning helpdesk and various IT and directory profile for Madeline Bostic.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
FOIA Program Management Branch (AFN-140)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Susan Mclean  
Regional FOIA Mgmt. Specialist  
(202) 267-0983

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

*Elena D. Richardson*

Elena Richardson  
FOIA Management Specialist

# EXHIBIT 14



Harold R <h.rutila@gmail.com>

---

## FOIA Request – Individual Account Records

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Harold R <h.rutila@gmail.com>  
To: susan.mclean@faa.gov  
Cc: 7-awa-arc-foia@faa.gov

Wed, Dec 14, 2016 at 8:02 AM

Good morning,

I am requesting an update on the status of FOIA Request 2017-000862, including a date when the FAA may produce a response to this request.

Sincerely,  
Harold Rutila

[Quoted text hidden]

# EXHIBIT 15



Harold R &lt;h.rutila@gmail.com&gt;

---

**FOIA Request - Computer File Management Structure**

---

Harold R &lt;h.rutila@gmail.com&gt;

Thu, Oct 27, 2016 at 10:54 AM

To: 7-awa-arc-foia@faa.gov, susan.mclean@faa.gov

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

A copy of the directory or folder structure of Windows Explorer for all of Rick Mitchell's network drives and "My Documents" folders. A screenshot or "screenshot" would be considered an acceptable means of fulfilling this request.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497

# EXHIBIT 16





Harold R <h.rutila@gmail.com>

---

**FOIA Request - Computer File Management Structure**

---

7-awa-arc-foia@faa.gov <7-awa-arc-foia@faa.gov>  
To: h.rutila@gmail.com

Mon, Nov 14, 2016 at 8:54 AM

Good Morning,


Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Thursday, October 27, 2016 11:54 AM  
**To:** 7-AWA-ARC-FOIA (FAA); McLean, Susan (FAA)  
**Subject:** FOIA Request - Computer File Management Structure

[Quoted text hidden]

---

 **Ack Letter 2017-001174\_Rutila.pdf**  
48K



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Branch  
800 Independence Avenue SW  
Washington, DC 20591

November 14, 2016

Mr. Harold Rutila  
2255 Arkansas Lane  
Apt 3311  
Grand Prairie, TX 75052

Re: Freedom of Information Act (FOIA) Request 2017-001174

Dear Mr. Rutila:

This letter acknowledges receipt of your FOIA request dated October 27, 2016, concerning copy of the directory or folder structure of Windows Explorer for all of Rick Mitchell's network drives and "My Documents" folders.

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
FOIA Program Management Branch (AFN-140)  
800 Independence Avenue SW  
Washington, DC 20591

Contact: Susan Mclean  
Regional FOIA Mgmt. Specialist  
(202) 267-0983

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

*Elena D. Richardson*

Elena Richardson  
FOIA Management Specialist

# EXHIBIT 17



Harold R <h.rutila@gmail.com>

---

## FOIA Request - Computer File Management Structure

---

Harold R <h.rutila@gmail.com>

Wed, Dec 14, 2016 at 8:03 AM

To: 7-awa-arc-foia@faa.gov, susan.mclean@faa.gov

Good morning,

I am requesting an update on the status of FOIA Request 2017-001174, including a date when the FAA may produce a response to this request.

Sincerely,  
Harold Rutila  
[Quoted text hidden]

# EXHIBIT 18



Harold R &lt;h.rutila@gmail.com&gt;

---

**FOIA Request - Individual Account Records**

---

**Susan.McLean@faa.gov** <Susan.McLean@faa.gov>

Thu, Dec 15, 2016 at 10:18 AM

To: h.rutila@gmail.com

Cc: 7-awa-arc-foia@faa.gov

Dear Mr. Rutila,

We apologize for the delay; there is a question about the proper way to address your request and we are seeking guidance within the FAA. The time frame for the response will depend on the guidance we receive. We will notify you as soon as we receive the guidance.

Thank you,

Susan McLean

Government Information Specialist

FAA FOIA Program Management Branch, AFN-140

202-267-0983 Office

202-450-8415 - Cell

**From:** Harold R [mailto:h.rutila@gmail.com]**Sent:** Wednesday, December 14, 2016 9:02 AM**To:** McLean, Susan (FAA)**Cc:** 7-AWA-ARC-FOIA (FAA)**Subject:** Re: FOIA Request - Individual Account Records

[Quoted text hidden]



Harold R &lt;h.rutila@gmail.com&gt;

---

**FOIA Request - Computer File Management Structure**

---

**Susan.McLean@faa.gov** <Susan.McLean@faa.gov>  
To: h.rutila@gmail.com, 7-awa-arc-foia@faa.gov

Thu, Dec 15, 2016 at 10:17 AM

Dear Mr. Rutila,

We apologize for the delay; there is a question about the proper way to address your request and we are seeking guidance within the FAA. The time frame for the response will depend on the guidance we receive. We will notify you as soon as we receive the guidance.

Thank you,

Susan McLean

Government Information Specialist

FAA FOIA Program Management Branch, AFN-140

202-267-0983 Office

202-450-8415 - Cell

**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Wednesday, December 14, 2016 9:03 AM  
**To:** 7-AWA-ARC-FOIA (FAA); McLean, Susan (FAA)  
**Subject:** Re: FOIA Request - Computer File Management Structure

Good morning,

I am requesting an update on the status of FOIA Request 2017-001174, including a date when the FAA may produce a response to this request.

Sincerely,  
Harold Rutila

On Mon, Nov 14, 2016 at 8:54 AM, <7-awa-arc-foia@faa.gov> wrote:

Good Morning,

Your request has been processed. Please refer to the attached letter. Thank you.

FAA FOIA Office

# EXHIBIT 19



**From:** Harold R [mailto:h.rutila@gmail.com]  
**Sent:** Thursday, October 27, 2016 11:54 AM  
**To:** 7-AWA-ARC-FOIA (FAA); McLean, Susan (FAA)  
**Subject:** FOIA Request - Computer File Management Structure

Good morning,

This is a request under the Freedom of Information Act, as amended. I request that a copy of the following documents (or documents containing the following information) be provided to me:

A copy of the directory or folder structure of Windows Explorer for all of Rick Mitchell's network drives and "My Documents" folders. A screenshot or "screenshot" would be considered an acceptable means of fulfilling this request.

I request records via electronic message unless not feasible, and in that event, via certified mail on CD/DVD.

I am an individual seeking records for personal use and not for profit. The maximum dollar amount I am willing to pay for this request is \$25. Please send a fee estimate if fees will exceed \$25.00.

My mailing address is  
2255 Arkansas Lane  
APT 3311  
Grand Prairie, TX 75052

Sincerely,  
Harold Rutila  
(810) 845-3497

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
Harold Edward Rutilla IV

**DEFENDANTS**  
U.S. Department of Transportation,  
Federal Aviation Administration

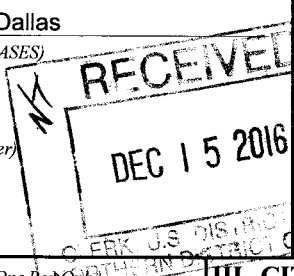
(b) County of Residence of First Listed Plaintiff Dallas  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
In Pro Se  
2255 Arkansas Lane Apt 3311  
Grand Prairie, TX 75052

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)



**3-16CV3433-N**

- II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)
- 1 U.S. Government Plaintiff
  - 3 Federal Question (U.S. Government Not a Party)
  - 2 U.S. Government Defendant
  - 4 Diversity (Indicate Citizenship of Parties in Item III)

- III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)
- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
5 USC 552 (FOIA), 5 USC 551-559 (APA)

Brief description of cause:  
Constructive denial of Freedom of Information Act requests, Failure to Complete Administrative Action

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE Boyle DOCKET NUMBER 3:16-CV-2911-B

DATE 12/15/2016

SIGNATURE OF ATTORNEY OF RECORD

*Harold E. Rutilla IV*

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_