

# **EXHIBIT 5**

## Charles Ornstein

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**From:** Pluff, Angela <Angela.Pluff@va.gov>  
**Sent:** Tuesday, October 25, 2016 10:50 AM  
**To:** Charles Ornstein  
**Cc:** Pluff, Angela  
**Subject:** RE: VHA FOIA Office Update on FOIA Request 16-08181-F

Hi Charlie,

This is still pending assistance of OGC and IT to upload the emails from the server into the Clearwell system so I can begin my review. Timothy Graham, our Program Director, continues to pursue their assistance but to no avail yet. I apologize for the inconvenience with the delay in processing your request. We continue to pursue assistance in the interim.

Thank you.

Angela Pluff, RHIA  
VHA FOIA Officer | Information Access and Privacy Office  
Health Information Governance | Office of Informatics and Information Governance  
810 Vermont Avenue, N.W. | Washington, D.C. 20420  
Tel. (315) 263-3653 | Fax (202) 273-9387

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**From:** Charles Ornstein [mailto:Charles.Ornstein@propublica.org]  
**Sent:** Tuesday, October 25, 2016 10:30 AM  
**To:** Pluff, Angela  
**Subject:** [EXTERNAL] RE: VHA FOIA Office Update on FOIA Request 16-08181-F

Hi there. Checking in with you on this.

Thanks.  
Charlie

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**From:** Pluff, Angela [mailto:Angela.Pluff@va.gov]  
**Sent:** Wednesday, October 12, 2016 11:42 AM  
**To:** Charles Ornstein

**Cc:** Pluff, Angela

**Subject:** RE: VHA FOIA Office Update on FOIA Request 16-08181-F

Hi Charlie,

I've been able to get the necessary software installed on my computer and am waiting for assistance from another program office to get the emails currently available uploaded to the Clearwell system so I can begin the review of that portion of the responsive records. Unfortunately I don't have an estimated time on when the emails will be uploaded into Clearwell, but do know it is something we are pushing the program office for regularly.

Sincerely,

**Angela Pluff, RHIA**  
**VHA FOIA Officer | Information Access and Privacy Office**  
**Health Information Governance | Office of Informatics and Information Governance**  
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**From:** Charles Ornstein [<mailto:Charles.Ornstein@propublica.org>]  
**Sent:** Tuesday, October 11, 2016 10:11 AM  
**To:** Pluff, Angela  
**Subject:** [EXTERNAL] RE: VHA FOIA Office Update on FOIA Request 16-08181-F

Hi Angela,

I wanted to follow up on this.

Thanks,  
Charlie

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**From:** Pluff, Angela [[Angela.Pluff@va.gov](mailto:Angela.Pluff@va.gov)]  
**Sent:** Friday, September 16, 2016 11:03 AM  
**To:** Charles Ornstein  
**Cc:** Pluff, Angela  
**Subject:** RE: VHA FOIA Office Update on FOIA Request 16-08181-F

Yes. There are some on-line emails retrieved that OI&T should be able to download to our Clearwell system so I may begin the review for that portion of records. I have requested this of them today.

Thank you.

**Angela Pluff, RHIA**  
**VHA FOIA Officer | Information Access and Privacy Office**  
**Health Information Governance | Office of Informatics and Information Governance**  
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**From:** Charles Ornstein [<mailto:Charles.Ornstein@propublica.org>]  
**Sent:** Thursday, September 15, 2016 4:32 PM  
**To:** Pluff, Angela  
**Subject:** [EXTERNAL] RE: VHA FOIA Office Update on FOIA Request 16-08181-F

Hi Angela. Is there anything we can do, such as looking first at more recent time periods? Please let me know.

Thanks,  
Charlie

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**From:** Pluff, Angela [[Angela.Pluff@va.gov](mailto:Angela.Pluff@va.gov)]  
**Sent:** Thursday, September 15, 2016 4:23 PM  
**To:** Charles Ornstein  
**Cc:** Pluff, Angela  
**Subject:** VHA FOIA Office Update on FOIA Request 16-08181-F

Mr. Ornstein:

The purpose of this email is to communicate a status update of your FOIA request received by the VHA FOIA Office on May 31, 2016.

The search for records responsive to your request has been delayed due to the inability of the VA's Office of Information and Technology (OI&T) department to search and retrieve any emails responsive to your request from the archive email server. Due to the date range of the requested records, the search must be conducted on a storage device that has experience several system failures. As a result, OI&T is working to have the data on the storage device migrated to another server. It is estimated at this time that it will take anywhere from 2-4 months for the data migration to be completed and allow for the record search to begin.

I apologize for the delay in processing your request. If you have any questions regarding this update or your request, you may contact me at (315) 263-3653.

Thank you.

**Angela Pluff, RHIA**  
**VHA FOIA Officer | Information Access and Privacy Office**  
**Health Information Governance | Office of Informatics and Information Governance**  
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**From:** Graham, Timothy  
**Sent:** Thursday, June 02, 2016 11:04 AM

**To:** 'Charles Ornstein'; VHA FOIA  
**Cc:** MHixenbaugh PilotOnline  
**Subject:** RE: New VA FOIA request

Mr. Ornstein:

Attached is VHA's acknowledgement of your request, as well as the notification that we have transferred portions of your request to the Office of the Secretary of Veterans Affairs and the Veterans Benefits Administration. Ms. Angela Pluff will be handling your request in the VHA FOIA Office.

Thank you,

**Timothy H. Graham, J.D., LL.M., CIPP/US, CIPP/G**  
**Director, VHA FOIA Office (10P2C1) | Information Access and Privacy Office**  
**Health Information Governance | Office of Informatics and Information Governance**  
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**From:** Charles Ornstein [<mailto:Charles.Ornstein@propublica.org>]  
**Sent:** Tuesday, May 31, 2016 4:25 PM  
**To:** VHA FOIA; Swailes, Barbara K.  
**Cc:** MHixenbaugh PilotOnline; Charles Ornstein  
**Subject:** [EXTERNAL] New VA FOIA request

Dear FOIA officer:

Pursuant to the Freedom of Information Act, I would like to request correspondence (electronic and written) between Jan. 1, 2012 to present to and from Alvin Young (email addresses: [youngrisk@aol.com](mailto:youngrisk@aol.com) and [youngespr@bresnan.net](mailto:youngespr@bresnan.net)) and the following VA officials:

Thomas Murphy (SES), director of compensation and pension  
Allison Hickey  
James Sampsel  
Brad Flohr (SES EQV), VBAVACO  
John Spinelli (SES)  
Lisa Thomas PHD (SES), VHACO  
Janice Jacobs (SES), VBAVACO  
Eric Shinseki, former Secretary  
Robert McDonald, current Secretary  
Dr. Terry Walters, SES now retired  
Dr. Ralph ("Loren") Erickson  
Dr. David J. Shulkin, Under Secretary of Health  
Carolyn M. Clancy, VA's former interim undersecretary for health  
Dr. Robert Petzel, former Under Secretary of Health

My request includes emails for which the officials listed above are cc'd.

In addition, I would like to request correspondence, including the internal approval justifications, for any contracts awarded to Dr. Young or his consulting firm, A. L. Young Consulting, Inc., 1810 Tranquility Road, Cheyenne, WY 82009-2903, since Jan. 1, 2010.

I would like to request expedited consideration for this request as it relates to a matter of urgency. The Institute of Medicine recently released its 2014 Agent Orange update related to possible presumptive conditions connected to herbicide exposure. Dr. Young has been an active advisor to the VA on matters relating to herbicide exposure.

For the same reasons noted above, I would like to request a waiver of fees associated with filling this request.

If you have questions, please let me know. Many thanks.

Charlie Ornstein

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