

THE EDWARDS LAW FIRM, L.L.P.

ATTORNEYS AT LAW
P. O. BOX 480
CORPUS CHRISTI, TEXAS 78403-0480
(361) 698-7600

FILE COPY
Elizendo

RICHARD LEO HARRELL
J.D., LL.M., ADMIRALTY
LICENSED IN TEXAS AND LOUISIANA

FROST BANK PLAZA
SUITE 1400 78470
FAX: (361) 698-7614

January 20, 2006

Ms. Michelle Caballero, FOIA Officer
United States Department of Labor
Occupational Safety and Health Administration
606 N. Carancahua, Ste. 700
Corpus Christi, Texas 78476

Via Facsimile: (361) 888-3424

Re: OSHA Inspection Number 308662097
FOIA #: 06-02

Dear Ms. Caballero:

Thank you for calling yesterday in response to my January 13, 2006 letter concerning the Department of Labor's December 22, 2005 response to the above referenced Freedom on Information Act request.

During our telephone conversation, you advised me of the following:

1. the individual who actually responded to my Freedom of Information Act request is no longer with the Department of Labor;
2. you are the Freedom of Information Act Officer for the Corpus Christi office of the U.S. Department of Labor/Occupational Safety and Health Administration;
3. you have reviewed the Department of Labor's December 22, 2005 response to my October 10, 2005 Freedom of Information Act request and you have reviewed my letter dated January 13, 2006 seeking clarification concerning your offices response to my Freedom of Information Act request;
4. the Department of Labor intended to withhold pages 1 through 2; 6 through 16; 18 through 22; 25 through 89; 102 through 110; 114 through 116; page 125; and pages 138 through 216 from its response to my Freedom of Information Act request and there was no inadvertent failure to disclose any of these documents or any portion of any of these documents when your office made its response to my

A3

Ms. Michelle Caballero, FOIA Officer
United States Department of Labor
Occupational Safety and Health Administration
January 20, 2006
Page 2

- Freedom of Information Act request on December 22, 2005;
5. you are unable to discern any inconsistency between the exemptions claimed and identified on Attachment 2 to the Department of Labor's letter dated December 22, 2005 and the annotations actually found on the documents as set forth in numbered paragraphs 1 through 7 of my letter dated January 13, 2006; and
 6. you have advised that the reference to certain numbered exceptions listed on Attachment 2 which purport to correspond to information deleted or redacted from certain documents that were produced by your office but which contain no annotations indicating that any information was redacted from those documents pursuant to those specific exemptions is standard procedure in your office and that it indicates that information may have been redacted from some of those documents pursuant to those specific exemptions, even though the documents are not annotated to evidence that fact, or that it indicates that those specific exemptions may be applicable to those documents and that it is not necessary for your office to advise me as to whether or not these exemptions have actually been applied to redact any specific information from those documents or whether or not the exemptions actually apply to any specific information on the document.

Thank you for clarifying the Department of Labor/OSHA's position on the issues that I raised in my letter dated Friday, January 13, 2006.

Sincerely,

THE EDWARDS LAW FIRM, L.L.P.



Richard Leo Harrell

RLH/dag

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0437
RECIPIENT ADDRESS 98883424 ✓ Caballero
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ST. TIME 01/20 13:32
TIME USE 00:28
PAGES SENT 3
RESULT OK ✓ Day

THE EDWARDS LAW FIRM, L.L.P.

Fax Transmittal

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FROM: Richard Leo Harrell
DATE: January 20, 2006
TIME: 1:35 p.m.
CLIENT/CASE: Elizondo #8766

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS SHEET): 3
 RUSH DELIVERY
 CALL TO VERIFY RECEIPT/ASK FOR Debbie.

To: Ms. Michelle Caballero, FOIA Officer
United States Department of Labor/OSHA

FAX #: (361) 888-3424

ATTACHMENTS: Letter re: OSHA Inspection Number 308662097
FOIA #: 06-02

7

Office of the Secretary of Labor**§ 70.20****§ 70.7 Authority of component officials in Department of Labor.**

Each agency of the Department of Labor for which an officer or officers have authority to issue rules and regulations may through such officers promulgate supplementary regulations not inconsistent with this part, governing the disclosure of particular or specific records which are in the custody of that departmental unit.

§ 70.8 Supplementary regulations currently in force.

Regulations duly promulgated by agencies of the Department and currently in force which govern the disclosure of records in the custody of the affected agency, shall remain in effect, insofar as such regulations are consistent with the provisions of this part, until such regulations are modified or rescinded.

Subpart B—Procedures for Disclosure of Records Under the Freedom of Information Act**§ 70.19 Requests for records.**

(a) *To whom to direct requests.* Requests under this subpart for a record of the Department of Labor must be in writing. A request should be sent to the component that maintains the record at its proper address and both the envelope and the request itself should be clearly marked "Freedom of Information Act Request." (Appendix A of this part lists the components of the Department of Labor and their addresses.) The functions of each component are summarized in the United States Government Manual which is issued annually and is available from the Superintendent of Documents. This initial list of responsible officials has been included for informational purposes only, and the officials may be changed through appropriate designation. Regional, district and field office addresses have been included in Appendix A to assist requesters in identifying the disclosure officer who is most likely to have custody of the records sought. Requesters who need guidance in defining a request or determining the proper component to which the request should be addressed, may write

to the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Washington, DC 20210.

(b) *Description of information requested.* Each request shall reasonably describe the record or records sought; i.e., in sufficient detail to permit identification and location thereof with a reasonable amount of effort. So far as practicable, the request should specify the subject matter of the record, the date or approximate date when made, the place where made, the person or office that made it, and any other pertinent identifying details.

(c) *Deficient descriptions.* If the description is insufficient so that a professional employee who is familiar with the subject area of the request cannot locate the record with a reasonable amount of effort, the officer processing the request will notify the requester and indicate any additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

(d) *Classified records.* Any request for classified records which are in the custody of the Department of Labor shall be referred to the classifying agency under the provisions of § 70.20 (c) and (d).

(e) *Agreement to pay fees.* The filing of a request under this subpart shall be deemed to constitute an agreement by the requester to pay all applicable fees charged under this part, up to \$25.

§ 70.20 Responses by components to requests.

(a) *In general.* (1) Except as otherwise provided in this section, when a request for a record is received, the component having custody of the requested record shall ordinarily be responsible for responding to the request.

(2) However, when another component or agency is better able to determine the disclosability of a record, that component or agency shall be responsible for responding to the request.

(3) The time for responding to a request begins to run when it is received by the department or component responsible for making the determination on disclosure.

§ 70.21

(b) *Authority to grant or deny requests.* The disclosure officer, or his or her designee, is authorized to grant or deny any request for a record in his or her custody.

(c) *Determination that request has been received by the proper component.* (1) When a component receives a request for a record, the component shall promptly determine whether another component or another agency of the Government is better able to determine whether the record is exempt to any extent from mandatory disclosure under the FOIA.

(2) If the receiving component determines that it is the component and agency better able to determine whether or not to disclose the record requested, that component shall respond to the request.

(3) If the receiving component believes that another component or agency is better able to determine whether the requested record is exempt from mandatory disclosure under the FOIA, the receiving component shall refer the request to the component or agency that it believes should handle the request.

(4) If the receiving component determines that it is the component and agency better able to determine whether part of the requested records is exempt from disclosure, and another component or agency has primary responsibility with respect to other parts of the requested record, the receiving component shall either:

(i) Respond to the request after consulting with the appropriate component or agency concerning the records for which that component or agency has primary responsibility, or

(ii) Respond to the part of the request for which it has primary responsibility and refer the other portion or portions of the request to the appropriate component or agency.

(d) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or to another agency, it shall notify the requester of the referral and inform the requester of the name and address of each component or agency to which the request has been referred and the portions of the request so referred.

29 CFR Subtitle A (7-1-04 Edition)

(e) *Processing of requests that are not properly addressed.* (1) A request that is not properly addressed as specified in §70.7(a) of this subpart shall be forwarded to the appropriate component, if known, or to the Office of the Assistant Secretary for Administration and Management (OASAM), which shall make reasonable efforts to determine the appropriate component and, if able to do so, shall forward the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be deemed not to have been received by the Department of Labor until OASAM has forwarded the request to the appropriate component and that component has received the request, or until the request would have been so forwarded and received with the exercise of reasonable diligence by Department personnel.

(2) A component receiving an improperly addressed request forwarded by OASAM shall notify the requester of the date on which it received the request.

(f) *Date for determining responsive records.* In determining records responsive to a request, a component will include only those records existing as of the date of its receipt of the request as that date is determined in accordance with paragraph (c).

§ 70.21 Form and content of component responses.

(a) *Form of notice granting a request.* After a component has made a determination to grant a request in whole or in part, the component shall so notify the requester in writing. The notice shall describe the manner in which the record will be disclosed, whether by providing a copy of the record to the requester or by making a copy of the record available to the requester for inspection at a reasonable time and place. The procedure for such an inspection shall not unreasonably disrupt the operations of the component. The component shall inform the requester in the notice of any fees to be charged in accordance with the provisions of subpart C.

(b) *Form of notice denying a request.* A disclosure officer denying a request in

Office of the Secretary of Labor**§ 70.26**

whole or in part shall so notify the requester in writing. The notice must be signed by the disclosure officer or his designee, and shall include:

(1) The name and title or position of the disclosure officer and if applicable, of the designee.

(2) A brief statement of the reason or reasons for the denial, including the FOIA exemption or exemptions which the component has relied upon in denying the request.

(3) A statement that the denial may be appealed under § 70.22 and a description of the requirements of that subsection.

(c) *Record cannot be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the component shall so notify the requester in writing.

§ 70.22 Appeals from denial of requests.

When a request for access to records or for a waiver of fees has been denied in whole or in part, where a requester disputes matters relating to the assessment of fees, or when a component fails to respond to a request within the time limits set forth in the FOIA, the requester may appeal the denial of the request to the Solicitor of Labor. The appeal must be filed within 90 days of:

(a) The denial, actual or constructive, of the request, including a denial of a request for a fee waiver,

(b) An agency's response on a dispute of matters relating to the assessment of fees, or

(c) In the case of a partial denial, 90 days from the date the material was received by the requester.

The appeal shall state, in writing, the grounds for appeal, including any supporting statements or arguments. To facilitate processing, the appeal should include copies of the initial request and the response of the disclosure officer. The appeal shall be addressed to the Solicitor of Labor, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Both the envelope and the letter of appeal itself must

be clearly marked: "Freedom of Information Act Appeal."

[54 FR 23144, May 30, 1989; 54 FR 25204, June 13, 1989]

§ 70.23 Action on appeals.

The Solicitor of Labor, or his designee, shall review the appellant's supporting papers and make a determination de novo whether the denial specified in § 70.22 was proper and in accord with the applicable law.

§ 70.24 Form and content of action on appeals.

The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request shall include a brief statement of the reason or reasons for the affirmance, including each FOIA exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia. If it is determined on appeal that a record should be disclosed, the record should be provided promptly in accordance with the decision on appeal.

§ 70.25 Time limits and order in which requests and appeals shall be processed.

Components of the Department of Labor shall comply with the time limits required by the FOIA for responding to and processing requests and appeals, unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(C). A component shall notify a requester whenever the component is unable to respond to or process the request or appeal within the time limits established by the FOIA.

§ 70.26 Predisclosure notification to submitters of confidential commercial information.

(a) *In general.* FOIA requests for confidential commercial information provided to the Department by business submitters shall be processed in accordance with this section.

Office of the Secretary of Labor**§ 70.38**

forwarded a reasonable number of days prior to the specified date upon which disclosure is intended. The requester shall be provided with a copy of the notice of intent to disclose.

(g) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) The component determines that the information should not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552).

(4) The disclosure is required by a rule that

(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under the Freedom of Information Act; and

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(5) The information requested has not been designated by the submitter as in accordance with paragraph (b) of this Section, and the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless the component has reason to believe that disclosure of the information would result in substantial competitive harm; or

(6) The designation made by the submitter in accordance with these regulations appears obviously frivolous; except that in such case, the component must provide the submitter with written notice of any final administrative disclosure determination within a reasonable number of days prior to the specified disclosure date.

(h) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of confidential commercial information covered by paragraph (b) of this section, the component shall promptly notify the business submitter.

(i) *Notice requirements.* The component shall fulfill the notice requirements of this section by addressing the notice to the business submitter or its legal successor at the address indicated on the records, or the last known address. If the notice is returned, the component shall make a reasonable effort to locate the business submitter or its legal successor. Where notification of a voluminous number of submitters is required, such notification may be accomplished by posting and publishing the notice in a place reasonably calculated to accomplish notification.

§ 70.27 Preservation of records.

Each component shall preserve all correspondence relating to the requests it receives under this part, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the Act.

Subpart C—Costs for Production of Documents**§ 70.38 Definitions.**

The following definitions apply to the terms of this subpart.

(a) The term *a statute specifically providing for setting the level of fees for particular types of records* (See 5 U.S.C. 552(a)(4)(A)(vi)), means any statute other than FOIA that specifically requires a Government agency to establish a fee schedule for particular types of records. An example of such a statute is section 205(c) of the Labor-Management Reporting and Disclosure Act, as amended, 29 U.S.C. 435(c). Statutes such as the User Fee Statute which only provide a general discussion of fees without explicitly requiring that an agency set and collect fees for particular documents are not within the meaning of this term.

(b) The term *direct costs* means those expenditures which an agency actually incurs in searching for and duplicating (and in the case of a commercial requester, reviewing) documents to respond to an FOIA request. Direct costs

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RICHARD LEO HARRELL
J.D., LL.M., ADMIRALTY
LICENSED IN TEXAS AND LOUISIANA

FROST BANK PLAZA
SUITE 1400 78470
FAX: (361) 698-7614

March 23, 2006

Donald S. Shire
U.S. Department of Labor/Office of the Solicitor
FOIA/PA Appeals Unit
Suite N-2428
200 Constitution Ave., N.W.
Washington, DC 20210

Via Facsimile: (202) 693-5538

ATTN: Kimberly Ellis

RE: FOIA Appeal #: 060078

Dear Mr. Shire:

Further to my telephone conversation with Ms. Kimberly Ellis in your office of even date herewith, I understand that the U.S. Department of Labor/Office of the Solicitor has made no determination with respect to the above captioned appeal as of this date.

Please be advised that the 20 day period during which the U.S. Department of Labor/Office of the Solicitor is required to make its determination in this appeal pursuant to 5 USC §552(a)(6)(A)(ii) expires today. I have not received any written notice from your office pertaining to an extension of the 20 day period pursuant to 5 USC §552(a)(6)(B). Further, I have been advised by Ms. Ellis of your office that the U.S. Department of Labor/Office of the Solicitor cannot provide me with any estimate of when it may be able to make its determination concerning the above referenced appeal.

In light of the foregoing, we are now deemed to have exhausted our administrative remedies with regard to the above captioned Freedom of Information Act appeal pursuant to the provisions of 5 USC §552(a)(6)(C) and there is now no impediment to a judicial resolution of our request for information and documentation under the Freedom of Information Act.

We would prefer to acquire the documents and information which we have requested pursuant to the Freedom of Information Act without the necessity of court intervention.

B

Donald S. Shire
U.S. Department of Labor/Office of the Solicitor
March 23, 2006
Page 2

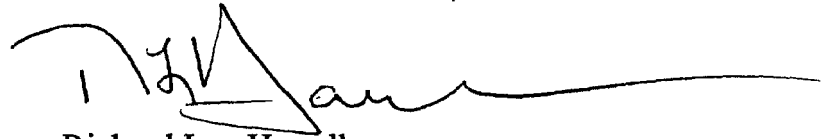
We are trying to acquire approximately 216 pages of documentation from an OSHA investigation of an industrial accident. This Freedom of Information Act request is, therefore, very limited in scope and is not complex, the documentation is not voluminous and the information and documentation which we seek, or the large majority of said information and documentation, is obviously not protected by any exception to the Freedom of Information Act. The review of this matter by your office will clearly require only a very limited amount of staff time. In your letter to our office dated February 27, 2006, you indicate that your office is authorized to schedule faster action on appeals such as ours. We hope that that can be done.

Please advise us, in writing, as to when your office expects to reach a determination on this Freedom of Information Act appeal.

Thank you for your continuing courtesy and cooperation.

Sincerely,

THE EDWARDS LAW FIRM, L.L.P.

A handwritten signature in black ink, appearing to read 'Richard Leo Harrell', with a long horizontal flourish extending to the right.

Richard Leo Harrell

RLH/dag

*** TX REPORT ***

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THE EDWARDS LAW FIRM, L.L.P.

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FROM: Richard Leo Harrell
DATE: March 23, 2006
TIME: 3:45 p.m. (CST)
CLIENT/CASE: Elizondo #8766

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS SHEET): 3
 RUSH DELIVERY
 CALL TO VERIFY RECEIPT/ASK FOR Debbie.

To: Donald S. Shire and
Kimberly Ellis
FAX #: (202) 693-5538

ATTACHMENTS: Letter regarding FOIA Appeal #: 060078

IF THERE ARE ANY QUESTIONS OR PROBLEMS REGARDING THIS TRANSMITTAL, PLEASE

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
ADRIANA G. ELIZONDO

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
 The Edwards Law Firm, 802 N. Carancahua, Ste. 1400
 Corpus Christi, Texas 78470; (361) 698-7600

DEFENDANTS
U.S. DEPARTMENT OF LABOR and ELAINE L. CHAO, in her capacity as Secretary of Labor

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

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

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

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)

Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <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 Overpayment of Student Loans (Excl. 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	PERSONAL INJURY <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	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<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"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<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))
				FEDERAL TAX SUITS
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

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

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
 This is a cause of action under the Freedom of Information Act, 5 U.S.C. § 552 etseq.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

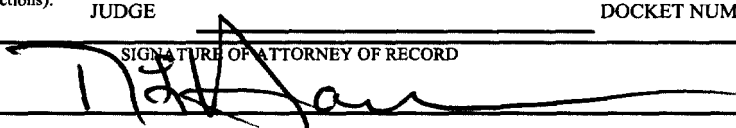
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions).

JUDGE _____

DOCKET NUMBER _____

DATE 11-06-06

SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____