

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CAUSE OF ACTION INSTITUTE)	
1875 Eye Street, N.W., Suite 800)	
Washington, D.C. 20006,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:17-cv-741
)	
UNITED STATES DEPARTMENT OF DEFENSE)	
1400 Defense Pentagon)	
Washington, D.C. 20301,)	
)	
Defendant.)	

EXHIBIT 3 TO COMPLAINT

From: Santos, Adrienne M CIV WHS ESD (US)
To: [Ryan Mulvey](#)
Cc: [James Valvo](#)
Subject: RE: [Non-DoD Source] Re: OSD/JS Freedom of Information Act Request 16-F-0338, Interim Response, Cause of Action
Date: Wednesday, December 30, 2015 9:15:10 AM

Good morning Mr. Mulvey,

Receipt acknowledged. Thank you.

Adrienne M. Santos, Team Lead
Government Information Specialist
Office of Freedom of Information
OSD/JS FOIA Office
(571) 372-0414
NIPR: adrienne.m.santos.civ@mail.mil
SIPR: adrienne.m.santos.civ@mail.smil.mil

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

From: Ryan Mulvey [<mailto:ryan.mulvey@causeofaction.org>]
Sent: Tuesday, December 29, 2015 4:44 PM
To: Santos, Adrienne M CIV WHS ESD (US)
Cc: James Valvo
Subject: [Non-DoD Source] Re: OSD/JS Freedom of Information Act Request 16-F-0338, Interim Response, Cause of Action

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Ms Santos,

Thank you for your email and calls. Please use the timeframe of February 17, 2015 to the present for processing Cause of Action's request. And please construe the term "present" to mean the date on which your office begins its search.

All the best in the New Year,

Ryan Mulvey

> On Dec 29, 2015, at 08:30, Santos, Adrienne M CIV WHS ESD (US) <adrienne.m.santos.civ@mail.mil> wrote:
>
> Good morning Mr. Mulvey and Mr. Valvo,
>
> I tried reaching each of you by phone without any success. I left a voice message and need one of you to respond to my e-mail below. The sooner that you provide a timeframe (dates) for the search, the sooner the search can begin. Please let me know if you have any additional questions.
>
> Thank you.
>

> Adrienne M. Santos
> Government Information Specialist
> Office of Freedom of Information
> OSD/JS FOIA Office
> (571) 372-0414
> NIPR: adrienne.m.santos.civ@mail.mil
> SIPR: adrienne.m.santos.civ@mail.smil.mil

> -----Original Message-----

> From: Santos, Adrienne M CIV WHS ESD (US)
> Sent: Thursday, December 24, 2015 11:52 AM
> To: Ryan Mulvey (ryan.mulvey@causeofaction.org); 'james.valvo@causeofaction.org'
> Subject: RE: OSD/JS Freedom of Information Act Request 16-F-0338,
> Interim Response, Cause of Action

> Mr. Mulvey,

> Can you please provide a timeframe (dates) for this request as soon as possible.

> Thanks.

> Adrienne M. Santos
> Government Information Specialist
> Office of Freedom of Information
> OSD/JS FOIA Office
> (571) 372-0414
> NIPR: adrienne.m.santos.civ@mail.mil

> -----Original Message-----

> From: Santos, Adrienne M CIV WHS ESD (US)
> Sent: Thursday, December 24, 2015 10:13 AM
> To: Ryan Mulvey (ryan.mulvey@causeofaction.org); 'james.valvo@causeofaction.org'
> Subject: OSD/JS Freedom of Information Act Request 16-F-0338, Interim
> Response, Cause of Action

> Cause of Action

> ATTN: Mr. Ryan Mulvey and Mr. R. James Valvo III
> 1919 Pennsylvania Ave, NW
> Suite 650
> Washington, DC 20006

> Sent via electronic mail to: ryan.mulvey@causeofaction.org and
> james.valvo@causeofaction.org

> Dear Mr. Mulvey and Mr. Valvo:

> This is an interim response to your attached December 18, 2015, Freedom of Information Act (FOIA) request for "
(1) All records of official agency business created or received by Secretary Carter on any personal email account;
(2) All records of official agency business created or received by Secretary Carter via text or instant message on any
personal device, including, but not limited to, messages created or received by Short Message Service, Multimedia
Messaging Service, BlackBerry Messenger, Google Chat/Hangouts, or Facebook Messenger; (3) All
communications between any official from DOD or the Executive Office of the President (including, but not limited
to, the Office of the White House Counsel or the Office of the President) and Secretary Carter concerning the use of
personal devices or accounts for official agency business, whether generally or specifically with respect to Secretary

Carter's personal devices and accounts; (4) All records relating to DOD's efforts to retrieve and/or retain agency records created or received by Secretary Carter on his personal devices or accounts; and, (5) All records reflecting notification by DOD to the Archivist of the United States pursuant to 44 U.S.C. § 3106 concerning agency records created or received by Secretary Carter on his personal devices or accounts." Your request was received in this office on December 18, 2015 and assigned FOIA case number 16-F-0338. We ask that you use that number when referring to your request.

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> For fee purposes, we have determined that you should be placed in the "News/Media" category. As such, you are entitled to all search and review fees and 100 pages of duplication fees at no cost to you. Because we do not believe that fees will be an issue, we are not making a fee waiver determination on your request. If for any reason fees do become an issue, we will address your fee waiver request at that time.

>

> We are granting your request for expedited processing, in accordance with Department of Defense (DoD) Regulation 5400.7-R, and have initiated the necessary search actions with the appropriate components of the Office of the Secretary of Defense (OSD).

>

> For your awareness, please understand that the granting of expedited processing does not provide for a guarantee that your request will be completed by a certain date, as all of our required procedures for searching and reviewing any records located, must be followed. In fact, although the FOIA requires agencies to respond to FOIA requests within 20-working days after receipt of a valid request, due to "unusual circumstances" we will not be able to make a release determination within this 20-day timeframe. The unusual circumstances which preclude us from meeting this deadline include the following: (a) the need to search for and collect records from a facility geographically separated from this Office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. These circumstances impact the total time required to process your request to completion. So, again, placing your request at the top of the FOIA queue simply means that the work of processing your request is underway.

>

> If you have any additional questions, please contact the Action Officer assigned to your request, Adrienne Santos at adrienne.m.santos.civ@mail.mil or (571) 372-0414.

>

> If you are not satisfied with this action, you may petition the Appellate Authority, the Director of Administration, Office of the Secretary of Defense, by writing directly to the Freedom of Information Division, ATTN: Appeals Office, 1155 Defense Pentagon, Washington, D.C. 20301-1155; you may also submit your appeal electronically at the following link: Caution-<http://pal.whs.mil/palMain.aspx>. Your appeal should be postmarked within 60 calendar days of the date of this mail, should cite case number 16-F-0338, and should be clearly marked "Freedom of Information Act Appeal."

>

> Thank you,

>

> Adrienne M. Santos, Team Lead

> Government Information Specialist

> on behalf of Stephanie L. Carr, Chief, Freedom of Information Act

> Division Office of Freedom of Information OSD/JS FOIA Office

> (571) 372-0414

> NIPR: adrienne.m.santos.civ@mail.mil

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