

# **EXHIBIT 7**

**Seth Watkins**

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**From:** Burch, Tom (John T.) <John.Burch@va.gov>  
**Sent:** Tuesday, December 15, 2015 8:41 AM  
**To:** OGC FOIA Appeals  
**Cc:** Seth Watkins; Harden, Willie R. (R&K Enterprise Inc.)  
**Subject:** RE: FOIA Appeal re Request to VA's Office of General Counsel Related to NOPR Comments

**Re: New FOIA Request from Seth Watkins dated November 11, 2015**

I just received his request with your message. This is first that I am aware that such a request was made. We will begin processing.

**Tom Burch**  
**OGC FOIA Officer and**  
**Deputy Director**  
**Homeland Security & Operations Division**  
**Office of General Counsel (101/026D)**  
**Department of Veterans Affairs**  
**810 Vermont Avenue, NW, Room 1172**  
**Washington, D.C. 20420**  
**202-461-7717 (office)**  
**202-273-9299 (fax)**

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**From:** Knight, Tracy **On Behalf Of** OGC FOIA Appeals  
**Sent:** Tuesday, December 15, 2015 8:13 AM  
**To:** Burch, Tom (John T.); Harden, Willie R. (R&K Enterprise Inc.)  
**Cc:** Watkins@adduci.com  
**Subject:** FW: FOIA Appeal re Request to VA's Office of General Counsel Related to NOPR Comments

Tom and Willie - Please see the below FOIA from **Seth Watkins**. He has not received an acknowledgement to his FOIA of November 11. Please advise him of receipt of his request, a tracking number, so that he knows his request was received and is being worked.

I am cc'ing him here as an FYI. Mr. Watkins, if you do not receive an acknowledgment from Mr. Burch within a week, please advise me and we will officially open an appeal on this FOIA.

Thank you,  
Tracy

Tracy C. Knight  
Government Information Specialist  
Office of General Counsel (024T) – Information Law Group  
Department of Veteran Affairs (VACO)  
810 Vermont Avenue, Washington DC 20420  
Phone (202) 461-7743 ~\*\*\*~ Fax (202) 273-6388

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**From:** Seth Watkins [<mailto:Watkins@adduci.com>]  
**Sent:** Monday, December 14, 2015 11:22 AM  
**To:** OGC FOIA Appeals  
**Subject:** [EXTERNAL] FOIA Appeal re Request to VA's Office of General Counsel Related to NOPR Comments

This will appeal the denial of information requested under FOIA.

Pending before the VA is a request dated and emailed to the VA on November 11, 2015. A copy of the request is forwarded below ("FOIA Request"). Receipt of the FOIA Request has not been acknowledged by the VA.

Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), a response to the FOIA Request was due within 20 business days. Requester deems the VA's failure to provide a response determination within the statutory time limits as a denial of the FOIA Request. Requester hereby appeals the denial of the FOIA Request. See, e.g., 5 U.S.C. § 552(a)(6)(C).

Please respond to this appeal within 20 business days in accordance with 5 U.S.C. § 552(a)(6)(A)(ii).

Thank you.

Sincerely,  
/s/  
Seth A. Watkins

Seth A. Watkins, Ph.D.  
ADDUCI, MASTRIANI & SCHAUMBERG LLP  
1133 Connecticut Avenue, NW  
Washington, DC 20036  
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**From:** Seth Watkins  
**Sent:** Wednesday, November 11, 2015 2:40 PM  
**To:** 'ogcfoiarequests@va.gov' <[ogcfoiarequests@va.gov](mailto:ogcfoiarequests@va.gov)>  
**Subject:** FOIA Request

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

On behalf of our requester client, we hereby request a copy of the following record under FOIA, preferably sent to the requester's undersigned attorney by email in electronic format (pdf):

- the comments submitted by the U.S. Department of Veterans Affairs ("VA") in response to the notice of proposed rulemaking from the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms ("BATF"), published on September 6, 1996 at 61 FR 47095, Notice No. 839, RIN 1512-AB41, in which BATF proposed definitions to facilitate the implementation of the national instant criminal background check system ("NICS") required under the Brady Handgun Violence Prevention Act. On information and belief, the VA's comments were submitted between September 6, 1996 and December 5, 1996 (when the comment period closed).

We hereby consent to pay all costs incurred for search, duplication and review of materials up to \$250.00. If additional costs will be required, please contact me for my approval.

If any records are withheld from release, please identify the withheld records by producing and providing to me an index pursuant to *Vaughn v. Rosen*, 484 F.2d 820, 826-28 (D.C. Cir. 1973).

If the VA's Office of General Counsel does not have custody or control over certain requested and responsive records but knows or believes that another component of the VA subject to FOIA does, please forward this FOIA Request to the appropriate person and inform us that you have done so.

Please respond within 20 business days in accordance with 5 U.S.C. § 552(a)(6)(A).

If you have any questions about this request, please contact me immediately by the means listed below.

Thank you for your assistance with this matter.

Sincerely,

/s/

Seth A. Watkins

Seth A. Watkins, Ph.D.  
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