

# **Exhibit 4**



**DEFENSE HEALTH AGENCY**  
7700 ARLINGTON BOULEVARD, SUITE 5101  
FALLS CHURCH, VIRGINIA 22042-5101

April 20, 2018

Cinnamon M. Creighton  
Paralegal  
Fisher Broyles  
6800 W. Central Ave.  
Unit E  
Toledo, Ohio 43617

Dear Cinnamon M. Creighton:

Thank you for your Freedom of Information Act (FOIA) request of January 29, 2018, received by the Defense Health Agency (DHA) on January 29, 2018. Your request has been assigned Control Number 2018-160. Please refer to this number in any future correspondence on this matter.

This letter is in response to your FOIA request for:

[Complete Copies of All Communications Between Defense Health Agency, Department of Defense, TRICARE, Express Scripts, Inc., and/or any other Pharmacy Benefit Manager or any Agent, Employee, Representative Associated with the Above Entities Regarding SP2, LLC d/b/a/ Smart Pharmacy and/or Smart Pharmacy II Business Entities, William C. Scrogins, and Gregory H. Balotin From January 1, 2015 to Present, and a complete copy of the DHA's records related to SP2, LLC d/b/a/ Smart Pharmacy and/or Smart Pharmacy II Business Entities, William C. Scrogins, and Gregory H. Balotin. Our request for the complete copy of the examination files includes, but is not limited to, all of the notes, case history, copies of all correspondence between and among SP2, LLC d/b/a/ Smart Pharmacy and/or Smart Pharmacy II Business Entities, William C. Scrogins, and Gregory H. Balotin and its representatives and the DHA, and what was discussed during each contact made with SP2, LLC d/b/a/ Smart Pharmacy and/or Smart Pharmacy II Business Entities, William C. Scrogins, and Gregory H. Balotin or its representative.]

The DHA has determined that all records requested are exempt from release under FOIA exemption (b)(7) due to an ongoing law enforcement investigation/proceeding. In this case, exemption (b)(7) protects from disclosure records or information compiled for law enforcement purposes, as the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, and (D) could reasonably be expected to disclose the

identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis.

If you are not satisfied with this action, you may appeal to the appellate authority, Defense Health Agency Office of General Counsel (National Capital Region Medical Directorate). To submit your appeal, you should write directly to:

Defense Health Agency Office of General Counsel  
National Capital Region Medical Directorate  
Attn: Mr. Paul T. Cygnarowicz  
8901 Wisconsin Avenue (Building 27)  
Bethesda, MD 20889

Your appeal should be postmarked within 90 calendar days of the date of this letter, should cite the above referenced control number, and should be clearly marked "Freedom of Information Act Appeal."

In addition, please note you have the right to seek dispute resolution services from the HA/DHA FOIA Public Liaison. Here is the contact information:

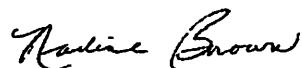
ATTN: Ms. Linda S. Thomas  
Chief, Freedom of Information Service Center  
Defense Health Agency  
7700 Arlington Boulevard, Suite 5101  
Falls Church, VA 22042-5101  
Phone: 1-703-275-6363

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road—OGIS  
College Park, MD 20740-6001  
ogis@nara.gov  
202-741-5770 & 877-684-6448

If you have any questions about processing your request under the FOIA, please contact me at (703) 275-6009 or Marquitta Williams at (703) 275-6013.

Sincerely,

A handwritten signature in cursive script that reads "Nadine Brown".

Nadine Brown  
FOIA Manager  
DHA Privacy and Civil Liberties Office