

VARNUM LLP v. UNITED STATES DEPARTMENT OF LABOR

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

EXHIBIT 2

U.S. Department of Labor

Employee Benefits Security Administration
Ft. Wright Executive Building I
1885 Dixie Highway
Ft. Wright, Kentucky 41011-2664



March 7, 2018

Laura J. Harner
Varnum Attorneys at Law
Bridgewater Place
P.O. Box 352
Grand Rapids, MI 49501-0352

Re: Blue Cross Blue Shield of Michigan
DOL FOIA Log: **F2018-850729(392)**
Date Received: February 8, 2018

Dear Ms. Harner:

This is in response to your Freedom of Information Act (FOIA) request dated February 8, 2018, requesting:

“...any and all actual settlement agreement, consent order, or similar settlement document of claims/enforcement related to Blue Cross Blue Shield Michigan (BCBSM) in the past five years, evidencing resolution of the investigation/dispute. This request is directed to the matter involving BCBSM that was under investigation by Craig Faulkner. This includes agreements between BCBSM and other parties or the Department of Labor. Furthermore, we would like to receive a copy of, if it exists, any list of companies that BCBSM was suggested to communicate or settle with to resolve this matter.”

The information that you have requested is contained in investigatory files compiled for law enforcement purposes. The FOIA contains exemptions which apply to the withholding, in whole or in part, of requested information. In light of the above, we have withheld: one (1) page, **in part**, pursuant to Exemption 7(C) which permits the withholding of information relating to personal information contained in law enforcement records. Those sections redacted by the Department are identified in yellow blocks with a red (b)(7)(C).

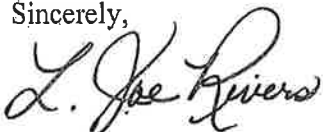
We have also withheld one thousand five hundred and eighty (1,580) pages, **in whole**, pursuant to Exemption 4 which permits the withholding of trade secrets and commercial or financial information. Please note that this withholding is with respect to your request for documents identifying BCBSM clients.

I have enclosed all information relative to your request which is disclosable in accordance with the Privacy Act, U.S.C. 552, and corresponding Department of Labor Regulations. There will be no charge for the duplication of documents.

If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact this office or the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427. Alternatively, you may contact the Office of Government Information Services National Archives and Records Administration (OGIS) to inquire the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by e-mail at ogis@nara.gov, by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any supporting statements or arguments, but such statements are not required. In order to facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. The envelope and letter of the appeal should be clearly marked "Freedom of Information Act Appeal." Any amendment to the appeal must be made in writing and received prior to a decision. The appeal should be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. Appeals may also be submitted by email to foiaappeal@dol.gov. Appeals submitted to any other email address will not be accepted.

Sincerely,



L. Joe Rivers
Regional Director
Cincinnati Regional Office

Enclosures
