

# Exhibit E

**From:** DHA NCR PCL Mailbox FOIA Requests [dha.ncr.pcl.mbx.foia-requests@mail.mil](mailto:dha.ncr.pcl.mbx.foia-requests@mail.mil)   
**Subject:** RE: [Non-DoD Source] FOIA Fee Waiver Request (Tracking # 2018-186)  
**Date:** February 14, 2019 at 12:07 PM  
**To:** Samantha Winter [sawinter@buffalo.edu](mailto:sawinter@buffalo.edu), DHA NCR PCL Mailbox FOIA Requests [dha.ncr.pcl.mbx.foia-requests@mail.mil](mailto:dha.ncr.pcl.mbx.foia-requests@mail.mil)  
**Cc:** Manes, Jonathan [jmmanes@buffalo.edu](mailto:jmmanes@buffalo.edu), John Zakour [johnzako@buffalo.edu](mailto:johnzako@buffalo.edu), [johnkueb@buffalo.edu](mailto:johnkueb@buffalo.edu)

DN

Dear Samantha Winter,

Thank you for your Freedom of Information Act (FOIA) request received by the Defense Health Agency (DHA) on March 14, 2018. Your request was assigned Control Number 2018-186.

This letter is in response to your FOIA request seeking:

"I request that a copy of the following document(s) be provided to me:

- \* The National Museum of Health and Medicine's archive of the American Board of Forensic Odontology ("ABFO") records (OHA 90.75).
- \* Electronic communications between the National Museum of Health and Medicine and the ABFO regarding the Innocence Project's request for documents sent on June 30, 2017, including, but not limited to, communications between Laura Cutter and David Shackelford."

On July 27, 2018, our offices sent you an interim response with partial records in response to your request. Included in that response, we asked that you revise the scope of your request being that, after review, the request was overly broad and voluminous. Further, we requested a reduced scope, particularly as it pertains to archived ABFO records. Subsequently, we did not receive a reply.

Therefore, as of January 30, 2019, our offices have administratively closed this inquiry due to non-responsiveness.

If you have any questions, please contact the DHA FOIA Service Center at (703) 275-6363.

Respectfully,  
DHA FOIA Service Center  
Defense Health Agency  
7700 Arlington Boulevard, Suite 5101  
Falls Church, VA 22042-5101  
PH: 703.275.6363  
Email: [DHA.FOIA@mail.mil](mailto:DHA.FOIA@mail.mil)

For more info, log on to: <https://health.mil/Military-Health-Topics/Privacy-and-Civil-Liberties/FOIA>

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

From: Samantha Winter [<mailto:sawinter@buffalo.edu>]  
Sent: Wednesday, February 13, 2019 6:10 PM  
To: DHA NCR PCL Mailbox FOIA Requests <[dha.ncr.pcl.mbx.foia-requests@mail.mil](mailto:dha.ncr.pcl.mbx.foia-requests@mail.mil)>  
Cc: Manes, Jonathan <[jmmanes@buffalo.edu](mailto:jmmanes@buffalo.edu)>; John Zakour <[johnzako@buffalo.edu](mailto:johnzako@buffalo.edu)>; [johnkueb@buffalo.edu](mailto:johnkueb@buffalo.edu)  
Subject: [Non-DoD Source] FOIA Fee Waiver Request (Tracking # 2018-186)

To Whom it May Concern,

On behalf on the Innocence Project, we submit the attached letter clarifying and supplementing its request for a fee limitation/waiver, in connection with its prior FOIA request, which has been assigned the tracking number 2018-186 by your office. This request concerns records from the American Board of Forensic Odontologists and held by the National Museum of Health and Medicine and electronic communications between the Museum and the Board. Our letter requesting this waiver is attached. Thank you for your attention to this matter, and please don't hesitate to let us know if you have any questions or concerns regarding this request.

Thank you,  
Samantha Winter  
Student Attorney  
Civil Liberties and Transparency Clinic  
UB School of Law  
Counsel for the Innocence Project, Inc.



2018-186\_Interim  
Response 7...7-2018.pdf



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

July 27, 2018

M. Chris Fabricant  
The Innocence Project  
40 Worth Street, Suite 701  
New York, NY 10013

Dear Chris Fabricant:

Thank you for your Freedom of Information Act (FOIA) request of February 27, 2018, received by the Defense Health Agency (DHA) on March 14, 2018. Your request has been assigned Control Number 2018-186. Please refer to this number in any future correspondence on this matter. A review of your request shows that you are seeking:

[I request that a copy of the following document(s) be provided to me:

- \* The National Museum of Health and Medicine's archive of the American Board of Forensic Odontology ("ABFO") records (OHA 90.75).
- \* Electronic communications between the National Museum of Health and Medicine and the ABFO regarding the Innocence Project's request for documents sent on June 30, 2017, including, but not limited to, communications between Laura Cutter and David Shackelford.]

After a thorough review, it has been determined that your request, as currently defined, is overly broad and voluminous. In order to process your request, a reduced scope is requested, particularly as it pertains to archived ABFO records.

Attached is a copy of the previous response provided to you by the National Museum of Health and Medicine, for which we are in agreement. Also included are documents partially responsive to your request. The DHA has determined that portions of the attached records are exempt from release under FOIA exemption (b)(6). Exemption (b)(6) applies to information that could reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals, if released.

Please note that your request will not be considered "perfected" until the scope issue is resolved. Also, since your request will require coordination with multiple program offices, it will be placed in our complex processing track.

If you have any questions about the processing of your request under the FOIA, please contact me at (703) 275-6009, or Mark Hill at (703) 275-6363.

Sincerely,

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

Nadine Brown  
FOIA Officer, FOIA Service Center  
DHA Privacy and Civil Liberties Office