

**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. |) | |
| |) | |
| U.S. DEPARTMENT OF VETERANS AFFAIRS |) | |
| 810 Vermont Avenue, N.W. |) | |
| Washington, D.C. 20420, |) | |
| |) | |
| Defendant. |) | |

Civil Action No. 19-413

EXHIBIT 5 TO COMPLAINT

Ryan Mulvey

From: Knight, Tracy (OGC) <tracy.knight@va.gov>
Sent: Thursday, January 31, 2019 2:23 PM
To: Ryan Mulvey
Subject: RE: FOIA Appeal No. 98678 - Request No. 18-04113-F

Hello, Mr. Mulvey – I apologize for not getting back to you sooner. I spoke with our FOIA Attorney and our Chief Counsel about the status of your appeal. They have advised that you are still at #48 in the queue and we are still working to process all appeals on a first in/first out basis. Unfortunately, at this time, we do not have an estimated time for completion of your appeal.

Thank you,

Tracy Knight
Government Information Specialist
Office of General Counsel (024)
Information Law Group
Department of Veteran Affairs (VACO)
810 Vermont Avenue, Washington DC 20420
Phone (202) 461-7743



From: Ryan Mulvey [mailto:Ryan.Mulvey@causeofaction.org]
Sent: Friday, January 25, 2019 10:24 AM
To: Knight, Tracy (OGC) <tracy.knight@va.gov>
Subject: [EXTERNAL] RE: FOIA Appeal No. 98678 - Request No. 18-04113-F

Ms. Knight,

Do you happen to have any update on the status of this appeal? My understanding is that the partial shutdown has not effected VA operations, so I presume we've moved up the queue. Does the assigned attorney have any estimated date of completion for the determination?

Thank you,

Ryan Mulvey
COA Institute

From: Knight, Tracy (OGC) <tracy.knight@va.gov>
Sent: Thursday, October 25, 2018 3:45 PM
To: Ryan Mulvey <Ryan.Mulvey@causeofaction.org>
Subject: RE: FOIA Appeal No. 98678 - Request No. 18-04113-F

Good afternoon – It looks like there are approximately 48 or so appeals that came in prior to yours. And I think when I last spoke to the assigned attorney in the early part of October, she had done some preliminary work on your appeal, but was still focused on her assigned appeals that came in prior. She is on leave right now, so this is the best update I can offer. I am unable to provide a time frame, though we work to process appeals on a first in/first out basis.

Thank you,

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



From: Ryan Mulvey [<mailto:Ryan.Mulvey@causeofaction.org>]
Sent: Thursday, October 25, 2018 9:21 AM
To: Knight, Tracy (OGC) <tracy.knight@va.gov>
Subject: [EXTERNAL] RE: FOIA Appeal No. 98678 - Request No. 18-04113-F

Ms Knight,

I hope you are well. By any chance, have you received an update yet on the processing of Cause of Action's FOIA appeal, no. 98678? I understand it is likely still in the queue. But if possible, it'd be helpful to know how many other appeals are ahead of it and whether there's an estimated date of completion.

Thanks,

Ryan Mulvey

From: Knight, Tracy (OGC) <tracy.knight@va.gov> **On Behalf Of** OGC FOIA Appeals
Sent: Wednesday, October 10, 2018 3:15 PM
To: Ryan Mulvey <Ryan.Mulvey@causeofaction.org>; OGC FOIA Appeals <ogcfoiaappeals@va.gov>
Subject: RE: FOIA Appeal No. 98678 - Request No. 18-04113-F

Mr. Mulvey - Your case is assigned to an attorney in our office. Mr. Riahi is a paralegal and was responsible only for opening your appeal and sending you an acknowledgement letter. His correct phone # is 202-461-7762. Looks like the phone # on the acknowledgement letter was a typo.

Other than your request is still pending and being worked on a first in/first out basis, I do not have an update. I will check with the assigned attorney and see if she can offer a better status. As she is working the case, she would know better than myself or Mr. Riahi.

I will let you know once I hear something from her.

Thank you,

On behalf of OGCFOIAAppeals@va.gov

Tracy Knight

Government Information Specialist

Office of General Counsel (O24) - Information Law Group

Department of Veteran Affairs

810 Vermont Avenue

Washington DC 20420

Phone (202) 461-7743

Fax (202) 273-6388

From: Ryan Mulvey [<mailto:Ryan.Mulvey@causeofaction.org>]

Sent: Wednesday, October 10, 2018 2:43 PM

To: OGC FOIA Appeals <ogcfoiaappeals@va.gov>

Subject: [EXTERNAL] FOIA Appeal No. 98678 - Request No. 18-04113-F

Good afternoon:

I am looking for an update on the processing of Cause of Action Institute's August 6, 2018 FOIA Appeal, No. 98678. The underlying request was assigned tracking number 18-04113-F.

I attempted to call the responsible official, Jay Riahi, but the number I was given in the appeal acknowledgement letter does not work (202-461-7742). I also just called the Office of General Counsel in an attempt to receive corrected contact information, but was told by an employee that she could not look up any extensions ("because I don't have access to Outlook"), did not have any "extensions memorized," and moreover refused to forward me to any other extension, even to leave a voicemail message (Specifically, she said, "I can't do that.").

At your earliest convenience, please provide me with the requested update, as well as correct information so that I may contact the OGC employee responsible for this matter.

Kind regards,

Ryan Mulvey

Ryan P. Mulvey | Counsel

Cause of Action Institute

1875 Eye Street NW, Suite 800

Washington, D.C. 20006

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Admitted to the practice of law in New York State and the District of Columbia



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