

Exhibit 2

4/15/2019

Gmail - FW: Attached image



Ashley Neese [redacted]@gmail.com>

FW: Attached Image

1 message

[redacted]@gtlaw.com [redacted]@gtlaw.com>
To: [redacted]@gmail.com

Fri, Jul 20, 2018 at 12:07 PM



David G. Barger
Shareholder,

Chair, Tysons Litigation Group
Greenberg Traurig, LLP | 1750 Tysons Boulevard, Suite 1000 | McLean, VA 22102
Tel 703.749.1307 | Fax 703.714.8307

[redacted]@gtlaw.com | www.gtlaw.com

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STRATEGIC ALLIANCE WITH AN INDEPENDENT LAW FIRM
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EXHIBIT 2

From: Barger, David G. (Shid-NVA-LT)
Sent: Friday, July 20, 2018 12:07 PM
To: 'Thomas.Cullen@usdoj.gov' <Thomas.Cullen@usdoj.gov>; 'jason.austin@usdoj.gov' <jason.austin@usdoj.gov>
Subject: FW: Attached Image

Thomas, I hope all is well with you. Attached is a FOIA and Privacy Act request on behalf of Ashley. My understanding is that Jason is the proper person to whom to direct the request. If I am in error, please let me know. Best regards, David.

4/18/2019

Email - r.w. Attached image



David G. Barger
Shareholder,

Chair, Tysons Litigation Group
Greenberg Traurig, LLP | 1750 Tysons Boulevard, Suite 1000 | McLean, VA 22102
Tel 703.749.1307 | Fax 703.714.8307

[Redacted]@gtlaw.com | www.gtlaw.com

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From: No_Reply@gtlaw.com [mailto:No_Reply@gtlaw.com]
Sent: Friday, July 20, 2018 12:08 PM
To: Barger, David G. (Shld-NVA-LT) <bargerd@gtlaw.com>
Subject: Attached Image

If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate such information.

2465_001.pdf
241K



David G. Barger
Tel 703.749.1307
Fax 703.714.8307
[redacted]@gtlaw.com

July 20, 2018

BY EMAIL

Thomas T. Cullen, United States Attorney for the Western District of Virginia
Jason Austin, Administrative Officer, USAO, WDVA
United States Attorney's Office, WDVA
310 1st Street, SW, Room 906
Roanoke, Virginia 24008

Thomas.cullen@usdoj.gov
Jason.Austin@usdoj.gov

Re: Ashley Neese

Dear Thomas and Jason:

Please accept this letter as a request pursuant to the Privacy Act of 1974 and the Freedom of Information Act, 5 U.S.C. § 552a, et. seq. and 5 U.S.C. § 552, et. seq. respectively, for documentation, records, notes, and/or other communications, including recordings, within the custody and control of the United States Attorney's Office, and/or in the custody or control of any other agency within the Department of Justice.

As you know, I represent Ms. Ashley Neese. Ms. Neese is a former Assistant United States Attorney for the Western District of Virginia, who left the USAO to pursue another job opportunity. Her last date of employment was June 29, 2018. On June 28, 2018, OPR sent a letter to Ashley advising her of an OPR inquiry, on which the USA was copied. Since receiving the letter, we have requested information, documentation, communications, reports of interviews, and other material from OPR in an effort to respond to OPR's letter. However, to date, OPR has not provided any material; rather, OPR has only agreed to provide "certain" limited material and only if Ashley signs a very restrictive confidentiality agreement. Further, OPR has noted that the inquiry is an administrative investigation. Thus, there should be no exemptions or exclusions under FOIA or the Privacy Act to supplying this requested information to us.

Additionally, on June 27, 2018, I submitted a preservation request via email to then-First Assistant United States Attorney Rick Mountcastle. A copy of that email is attached to this document for your review.

In compliance with the Privacy Act and FOIA, we request a copy of any and all records pertaining to Ms. Neese within your agency and/or within your office as further described below to be provided within 20 days of the receipt of this letter, and not later than August 9, 2018.

Thomas T. Cullen
Jason Austin
July 20, 2018
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Specifically, the records we request include, but are not limited to:

1. Any and all information submitted by attorneys Paul Beers and/or Emma Kozlowski to the United States Attorney's Office for the Western District of Virginia, and any other Agency within the Department of Justice, or any outside entities, about Ashley Neese, discussing Ashley Neese, and/or related to the OPR's inquiry of allegations against Ashley Neese. This includes any information submitted by Mr. Beers and/or Ms. Kozlowski, or any other persons, on behalf of or about [REDACTED]
2. Any and all emails, communications, and/or phone messages between Mr. Beers, Ms. Kozlowski, and anyone else in the United States Attorney's Office, or within the Department of Justice, related to or discussing Ms. Neese; any notes taken of conversations with Mr. Beers and/or Ms. Kozlowski, including any notes from any employees in the USAO for the WDVA related to and/or discussing Ms. Neese, or OPR's inquiry of Ms. Neese; any text message communications, voicemails, and/or other electronic communications concerning Ms. Neese, or OPR's inquiry into allegations against Ms. Neese;
3. Any and all investigative materials gathered concerning the allegations presently against Ms. Neese, including any notes, transcripts, reports, and/or recordings of interviews with witnesses or third parties, including, but not limited to, [REDACTED], beginning in 2012 and continuing to the present;
4. We ask that investigative and/or discovery materials pertaining to the Pain Train case, including Ms. Neese's own notes, notes made by other parties, including Emily Clark, etc., internal emails within the USAO and to agents working on the Pain Train case, specifically to include those to and from Thomas Cullen, Craig Jacobsen, and others, emails to and from defense attorneys, including Joseph Sanzone, Tony Anderson, Melissa Friedman, etc. be provided, along with copies of her Outlook Calendar in 2012 through 2018. She further requests a copy of information contained in the folders she maintained in that case, including [REDACTED]. She also requests a copy of her list of contacts in her computer, and any electronic text messages and voicemails from her cellular phone and/or on her N drive or in her Outlook account, that was maintained as part of her government log-in at the time her government cellular phone was taken from her on May 3, 2018; and
5. Any and all electronic communications, handwritten notes, phone messages, and/or text message communications between employees within the USAO, EOUSA, General Counsel's Office, OPR, and/or any other agency within the Department of Justice pertaining to Ms. Neese, and any investigations that have been and/or that currently involve Ms. Neese within the Department of Justice, including notes,

Thomas T. Cullen
Jason Austin
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messages, and/or communications, during the time Mr. Beers and Ms. Kozlowski met with members of the USAO on May 2, 2018 and May 3, 2018, and in the internal meetings and conversations following.

Last, Ms. Neese started her employment as an Assistant United States Attorney with the United States Attorney's Office on October 12, 2008, and remained employed in that same position until June 29, 2018. Please also accept this letter as a request to obtain information maintained in her personnel file, or elsewhere in the United States Attorney's Office, including, but not limited to, yearly evaluations, yearly AD assessments and notes pertaining to those reviews for the time period 2008- through June 29, 2018.
Thank you for your time and attention to this matter.

Sincerely,



David G. Barger

Enclosure

Barger, David G. (Shld-NVA-LT)

From: Barger, David G. (Shld-NVA-LT)
Sent: Wednesday, June 27, 2018 3:17 PM
To: Mountcastle, Rick (USAVAW)

Rick;

As you know, I represent Ashley Neese. Ashley has resigned her position as an AUSA, effective, June 29, 2018, and will pursue other opportunities.

Certainly a factor in her decision to leave has been the latest actions by Paul Beers, and the DOJ's response/nonresponse to his actions, including, but not limited to, the failure to provide Ashley and me with any meaningful information and/or to engage in any meaningful discussion about the allegations, and whether I may have useful information regarding this matter. I understand that the USAO for the WDVA is recused from discussing the matter with me.

We have, of course, not had access to any information that DOJ has received and thus have not had any opportunity to yet respond. It is unclear exactly how Ashley's leaving will impact our abilities in that regard. Out of an abundance of caution, I write to request that the USAO and the DOJ preserve all relevant information that may be useful to Ashley in responding, and in related matters. This includes, but is not limited to, any and all information submitted by Mr. Beers, any emails or phone messages from Mr. Beers, any notes taken of conversations with Mr. Beers, any related text messages, any investigative materials gathered concerning the allegations by Mr. Beers, including, but not limited to, any notes of any interviews with witnesses or third parties. In addition, please preserve Ashley's Outlook Calendar and documents, notes, and emails related to Operation Pain Train, and [REDACTED] in specific.

Thank you for your courtesies in this matter. If you have any questions, please let me know. Regards. David.



David G. Barger
Shareholder,
Chair, Tysons Litigation Group
Greenberg Traurig, LLP | 1750 Tysons Boulevard, Suite 1000 | McLean, VA 22102
Tel 703.749.1307 | Fax 703.714.8307
[REDACTED]@gtlaw.com | www.gtlaw.com

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