

# Exhibit 18



Ashley Neese <[REDACTED]@gmail.com>

# FW: FOIA and the Privacy Act requests

1 message

<[REDACTED]@gtlaw.com <[REDACTED]@gtlaw.com>  
To: [REDACTED]@gmail.com

Thu, Nov 1, 2018 at 5:31 PM



David G. Barger  
Shareholder,

Chair, Tysons Litigation Group  
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From: Barger, David G. (Shld-NVA-LT)  
Sent: Thursday, November 1, 2018 5:31 PM  
To: 'Stone, Princina (USAEO)' <Princina.Stone@usdoj.gov>  
Subject: RE: FOIA and the Privacy Act requests

EXHIBIT 18

Princina, Thank you for your response to my email to Ms. Bockhorst

My questions to Ms. Bockhorst in my email were not so much about my FOIA and Privacy Act request. Rather, my questions include why the USAO-WDVA has not transmitted the single most important information (the emails and transcript of ██████████ statement to Paul Beers and/or Emma Kozlowski) that we know it has in its possession to EOUSA, as requested by us in our letter dated July 20, 2018, when it has already transmitted it to OPR. Further, I also wanted to know when the USAO-WDVA is going to transmit the information to you for review and production. I am happy to go through you if you can give me the answer to that question. Should I also contact the Liaison as well? It is very troubling that the USAO-WDVA has been sitting on that information, even though, as you can see from the information you released to us, we have requested that information multiple times going back to May 8, 2018. And, as I've set forth above, the information you have provided concerning Ms. Neese's personnel file was, as I recall, at the bottom of the order of items we requested in our letter dated July 20, 2018. The optics of the USAO's production or lack thereof is very troubling.

Additionally, it appears the majority of the information produced on Monday, is personnel file information, and some emails from the time period of May 2018 through June 2018; however, it does not appear all emails Ms. Neese sent and received to employees of USAO-management are contained therein. Further, in EOUSA's letter, EOUSA sets forth that it is withholding 200 plus documents. Could we be provided some information as to the type of information withheld so that we can make to some degree and informed decision about whether the information is relevant to us and thus potentially worth pursuing under an appeal, or whether it is simply of no real relevance here. Additionally, I wanted to bring to your attention the recent case of *Bartko v. United States*, dated August 3, 2018, in the United States Court of Appeals for the District of Columbia which provides some useful analysis about the government's obligation (there OPR) to provide such information.

Additionally, do you have an idea when we will be able to receive our next round of production?

Thank you for your time and attention to this matter. David.



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**From:** Stone, Princia (USAE0) [mailto:Princia.Stone@usdoj.gov]  
**Sent:** Wednesday, October 31, 2018 11:16 AM  
**To:** Barger, David G. (Shld-NVA-LT) <[REDACTED]@gtlaw.com>  
**Subject:** FW: FOIA and the Privacy Act requests

Good morning Mr. Barger,

If your FOIA request concerns any component within the United States Department of Justice, Executive Office for United States Attorneys ("EOUSA"), which includes all U.S. Attorney's Offices ("USAOs"), please direct your inquiries to my attention. The USAOs are not authorized to discuss with you any information related to your pending FOIA request. Any responsive records that may be provided by an EOUSA component will be reviewed and processed within the EOUSA FOIA/PA Unit in Washington, DC. Accordingly, all responses to your FOIA request will issue from the EOUSA FOIA/PA Unit.

Again, feel free to contact me, if you have any questions.

Regards,

Princia Stone

(202) 252-6027 (office)

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**From:** [REDACTED]@gtlaw.com <[REDACTED]@gtlaw.com>  
**Sent:** Tuesday, October 30, 2018 5:51 PM  
**To:** Bockhorst, Jennifer (USAVAW) <JBockhorst@usa.doj.gov>  
**Subject:** FOIA and the Privacy Act requests

Jennifer, I am following up on my phone message to you that I left this evening. As you may know, I represent Ashley Neese in connection with her FOIA and Privacy Act requests which you know we made to the USAO WDVA and to the DOJ, OPR on or about July 20, 2018. My understanding is that you are the point person for collecting and reviewing and sending the materials to the EOUSA for review and possible production. I would like to discuss the matter briefly with you as I am concerned with the length of time it is taking for materials to make their way to EOUSA, as the production is already well outside the statutory time limits. Specifically, we have requested materials provided [REDACTED] / and or Paul Beers / and / or Emma Kozlowski which materials were provided to the USAO in early May 2018. It is my understanding from EOUSA that those materials have still not been transmitted to EOUSA for review and possible production.

Those materials are critical to my representation of my client, and in my view, are highly likely producible under FOIA and/or the Privacy Act. The failure to produce them is also very prejudicial to my client. Please let me know when we can discuss the matter, and when I can expect the materials to be sent to EOUSA. I look forward to speaking with you.  
Regards. David Barger.

 



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