

EXHIBIT 9

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May 1, 2019

VIA EMAIL

Austin M. Delano
SGT, MIARNG
Paralegal Specialist
Office of the Staff Judge Advocate

Dear Mr. Delano:

Re: Dale Foerschler FOIA Request

As you know, this office represents Dale Foerschler in regard to his FOIA request to the Michigan National Guard. Mr. Foerschler sent his initial FOIA request on February 14, 2019, and he was told that Jeffrey M. Laing is a federal employee, so the FOIA request needed to reference the Federal Act as opposed to the Michigan Act. This representation is contrary to Michigan National Guard's own website and there is not a requirement in the Federal Act to reference the Act itself. Nonetheless, my client submitted a new request referencing the Federal Act on March 25, 2019. Pursuant to 5 U.S.C § 552, et seq., the requested information was to be provided in 20 business days. A processing fee estimate was provided on April 4, 2019, which my office agreed to and asked you to proceed with processing. You acknowledged that on April 8, 2019. On April 29, 2019, I informed you that it had been over 20 business days (which include the tolling of time between April 4, 2019 and April 8, 2019) since the FOIA was submitted and asked when a response would be received. You responded on April 30th that the process "will likely take a significant amount of time." This is not a sufficient response under the FOIA.

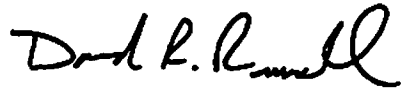
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The Act requires that you respond as required by the FOIA within the timeframes set forth in the Act, which you have failed to do. If my office does not receive the information requested by May 3, 2019, we will seek to compel the production and attorney fees through available FOIA remedies including but not limited to litigation.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC



David R. Russell

DRR:wp

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