

# **EXHIBIT 17**

# SEYFARTH SHAW

Writer's direct phone  
(202) 828-3592  
Writer's e-mail  
mewagner@seyfarth.com

Seyfarth Shaw LLP  
975 F Street, N.W.  
Washington, DC 20004-1454  
(202) 463-2400  
fax (202) 828-5393  
www.seyfarth.com

ATLANTA BOSTON CHICAGO HOUSTON LONDON LOS ANGELES MELBOURNE NEW YORK SACRAMENTO SAN FRANCISCO SHANGHAI SYDNEY WASHINGTON, D.C.

August 29, 2018

**VIA EMAIL & FIRST-CLASS MAIL**

Colonel Michael Martel  
Deputy Chief of Staff/G-6  
U.S. Army Special Operations Command  
Freedom of Information Act Office  
USASOC (AOIM-FOIA)  
2929 Desert Storm Drive  
Fort Bragg, N.C. 28310-9110  
[michael.martel@socom.mil](mailto:michael.martel@socom.mil)

Christopher Nesbitt  
FOIA/PA Officer  
U.S. Army Special Operations Command  
Freedom of Information Act Office  
USASOC (AOIM-FOIA)  
2929 Desert Storm Drive  
Fort Bragg, N.C. 28310-9110  
[christopher.nesbitt@socom.mil](mailto:christopher.nesbitt@socom.mil)

**Re: Freedom of Information Act Request No. 18-157/ 18-081**

Dear Col. Martel and Mr. Nesbitt:

We received your 23 August 2018 letter notifying us that USASOC located information responsive to the above-referenced FOIA request, but that the request and responsive records were being referred to the U.S. Army Corps of Engineers, Omaha District.

It's disappointing that USASOC is unwilling to release the very limited records it located in response to our FOIA request. On a telephone conference held on 24 July 2018, Mr. Nesbitt notified us that USASOC FOIA conducted a records search and located approximately four responsive e-mails. Mr. Nesbitt indicated that the e-mails were from late February/early March 2018 and contained discussions between USACE and 10th SFG/USASOC regarding procurement of the Project following the termination of Watts Constructors, LLC's contract, and the schedule for same. USASOC FOIA then contacted USACE (Omaha District) for a release



Colonel Michael Martel  
Christopher Nesbitt  
August 29, 2018  
Page 2 of 3

decision. Unfortunately, to date, we understand that USACE has not responded to USASOC's requests.

Given USACE's failure to respond, we respectfully request that USASOC FOIA continue to inquire with USACE regarding a release of the located documents and records. We will also contact USACE to request that these responsive documents be released immediately. In the interim, we request that USASOC FOIA provide us with the following information regarding our FOIA request:

1. An explanation identifying and explaining the parameters of USASOC's search and the search terms used:
  - a. What records were searched?
  - b. Who conducted the search?
  - c. When was the search conducted?
  - d. A list of custodians whose records were searched
  - e. A list of search terms that were used
  - f. The time period used for the search
2. The exact number of documents and records located in USASOC's search.
3. A brief description of the documents and records located in USASOC's search.
4. The contact information for the person or persons at USACE to whom our FOIA request was referred. On a previous call, Mr. Nesbitt indicated that he was trying to contact an attorney at USACE. Please provide their names and contact information.

We initially filed our FOIA request with USASOC on 20 February 2018. It's now 6 months later and we have yet to receive a single responsive document. We would like to work with USASOC to resolve this matter, and at the very least, receive the limited documents located in USASOC's search and referenced by Mr. Nesbitt on our 24 July 2018 telephone call.



**SEYFARTH  
SHAW**

Colonel Michael Martel  
Christopher Nesbitt  
August 29, 2018  
Page 3 of 3

Please confirm that USASOC will continue to contact USACE for a release decision. In addition, please provide the information requested in this letter no later than Tuesday 04 September 2018. If you would like to discuss this matter further, please feel free to call me.

Sincerely,

**SEYFARTH SHAW LLP**



Michael B. Wagner, Jr.

MEW

cc: Sara Beiro Farabow (via email)  
David A. Blake (via email)