

EXHIBIT I



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Todd Mack
Thomson Reuters Court Express
Suite 700E C-22
1333 H Street NW
Washington, DC 20005
TODD.MACK@TR.COM

Re: Appeal No. DOJ-AP-2019-000630
Request No. 145-FOI-16112
CDT:ADF

VIA: FOIAonline

Dear Todd Mack:

You appealed from the action of the Civil Division of the United States Department of Justice on your Freedom of Information Act request for access to records concerning United States v. Janke; United Healthcare Ins. Co. v. Burnwell; United States ex rel. Poehling v. United Health Group, Inc.; and United States ex rel. Swoben v. Scan Health Plan, et al. I note that your appeal concerns the Civil Division's interim response dated September 17, 2018 regarding United States ex rel. Poehling v. United Health Group, Inc., and United States ex rel. Swoben v. Scan Health Plan, et al. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, I am affirming the Civil Division's action on the portions of your request concerning the Poehling and Swoben cases. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The Civil Division properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the Civil Division in response to your request.

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If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

5/8/2019

X 

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL