

EXHIBIT E

From: [Bodell, Ethan G](#)
To: [Williams, Malik](#)
Subject: RE: FOIA Request Status Update
Date: Thursday, February 6, 2020 10:01:18 AM

Mr. Williams,

It's impossible for me to offer a specific timeline for this, or any, FOIA request. I can only offer insight into when I anticipate completing my portion of a request. I am one part of a much bigger process, which includes people searching for records, a substantive review of what they provide, legal clearances, and approval of a release by people above me. I understand the urgent nature of your request, but your allusion to litigation is not something that enables me to expedite mechanisms of our overall process that are out of my control. I'm the low man on the totem pole. I did receive notice that the data team put a ticket in to move the eDiscovery up the queue as much as possible, and I'm going to be reviewing additional responses from manual searches later today and tomorrow. My goal is to put together our first response next week, but (not to be repetitive; I just want to be clear about the process) that does not necessarily mean that response will *go out* next week.

Best,

Ethan Bodell

From: Williams, Malik <MWWilliams@winston.com>
Sent: Wednesday, February 05, 2020 2:37 PM
To: Bodell, Ethan G <Ethan.G.Bodell@hud.gov>
Cc: Kessler, Jeffrey L. <JKessler@winston.com>; Amato, Jeffrey J. <JAmato@winston.com>; Donovan, Kerry C. <KCDonovan@winston.com>; Angus-Yamada, Colleen K. <CAngusYamada@winston.com>; Wexler, Jay R. <JWexler@winston.com>
Subject: RE: FOIA Request Status Update

Ethan,

I appreciate the response.

Are you able to provide a specific timeline as to when you will be able to provide an interim response and any responsive/releasable records collected? We hope to resolve this amicably, but this matter is of the utmost urgency, and we cannot afford to delay much longer prior to seeking court-intervention.

Thanks,
Malik

Malik Williams

Law Clerk

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From: Bodell, Ethan G <Ethan.G.Bodell@hud.gov>
Sent: Tuesday, January 28, 2020 5:08 PM
To: Williams, Malik <MWWilliams@winston.com>
Cc: Kessler, Jeffrey L. <JKessler@winston.com>; Amato, Jeffrey J. <JAmato@winston.com>; Donovan, Kerry C. <KCDonovan@winston.com>; Angus-Yamada, Colleen K. <CAngusYamada@winston.com>; Wexler, Jay R. <JWexler@winston.com>
Subject: RE: FOIA Request Status Update

Mr. Williams,

My apologies. I received your email, but it seemed as though you were telling me those were your terms rather than asking me for my input, so I did not have anything additional to provide in response.

We will work as diligently as we can to release what we have prior to your provided date of April 15, 2020. I am in the process of reviewing the responses from our program offices, and additionally have asked our eDiscovery team to do whatever they can to expedite the electronic portion of the request. While that is not a manual search, I'm hoping they are able to work with the contractor to adjust the submission's place in the queue. As soon as I have gotten through the current portion of responses, I should be able to provide an interim response and any responsive/releasable records collected.

Best,

Ethan

From: Williams, Malik <MWWilliams@winston.com>
Sent: Tuesday, January 28, 2020 1:38 PM
To: Bodell, Ethan G <Ethan.G.Bodell@hud.gov>
Cc: Kessler, Jeffrey L. <JKessler@winston.com>; Amato, Jeffrey J. <JAmato@winston.com>; Donovan, Kerry C. <KCDonovan@winston.com>; Angus-Yamada, Colleen K. <CAngusYamada@winston.com>; Wexler, Jay R. <JWexler@winston.com>
Subject: RE: FOIA Request Status Update

Ethan,

Approximately two weeks ago we reached out to you hoping to mutually agree upon an accelerated timeline that would allow for us to retrieve critical information prior to April 15, 2020. To date, we have yet to receive any response.

If we are unable to reach a resolution soon, we will be forced to either work with a FOIA mediator or seek court-intervention to ensure that our request is fulfilled in a timely manner.

We look forward to hearing from you shortly.

Best,
Malik

Malik Williams

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From: Williams, Malik
Sent: Wednesday, January 15, 2020 6:11 PM
To: 'Bodell, Ethan G' <Ethan.G.Bodell@hud.gov>
Cc: Kessler, Jeffrey L. <JKessler@winston.com>; Amato, Jeffrey J. <JAmato@winston.com>; Donovan, Kerry C. <KCDonovan@winston.com>; Angus-Yamada, Colleen K. <CAngusYamada@winston.com>; Wexler, Jay R. <JWexler@winston.com>
Subject: RE: FOIA Request Status Update

Ethan,

In light of the new projected collection date of November 2020, we wish to either further refine the scope of our request or to prioritize certain items. Due to the pressing nature of our matter, confirmed by the expedited processing status granted by your office, we need to receive a significant portion of our request by no later than April 15, 2020. If it is impossible to have the full request completed by that date, we would like to work with you to figure out what we can retrieve by that deadline, and create an accelerated alternative timeline for the rest.

We are also willing to work with a FOIA mediator, provided by the Office of Governmental Services, if that would best ensure the speedy resolution of our urgent request. If these alternatives fail, we

are also prepared to seek court-intervention to ensure that our request is fulfilled in the timely manner contemplated by law.

Best,

Malik Williams

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From: Bodell, Ethan G <Ethan.G.Bodell@hud.gov>

Sent: Monday, January 13, 2020 11:01 PM

To: Williams, Malik <MWWilliams@winston.com>

Subject: RE: FOIA Request Status Update

Mr. Williams,

I'm not sure of the basis for your statement that "it appears that the HUD FOIA Office has not begun actively processing our request." In fact, this request was assigned to no less than seven program offices, and was also submitted for an electronic discovery (eDiscovery) request for the collection of email records of certain named employees. The eDiscovery process is not one over which we have direct control; it is an automated collection system run by an outside contractor that pulls requests from the queue of submissions, on a first-in-first-out basis. Due to the influx of email-related requests since the start of the new Presidential administration in 2017, we have experienced significant delays with the eDiscovery turnaround times. This particular submission is scheduled for collection between 11/5/20 and 11/13/20. We may be able to provide interim releases sooner based on responses from our program offices.

Best,

Ethan G. Bodell, Esq.

Government Information Specialist
U.S. Department of Housing and Urban Development
Office of the Executive Secretariat

From: Williams, Malik <MWWilliams@winston.com>
Sent: Monday, January 13, 2020 4:18 PM
To: Bodell, Ethan G <Ethan.G.Bodell@hud.gov>
Cc: Kessler, Jeffrey L. <JKessler@winston.com>; Amato, Jeffrey J. <JAmato@winston.com>; Angus-Yamada, Colleen K. <CAngusYamada@winston.com>; Wexler, Jay R. <JWexler@winston.com>; Donovan, Kerry C. <KCDonovan@winston.com>
Subject: FOIA Request Status Update

Ethan,

On October 29th, 2019, we submitted the attached Freedom of Information Act request. It has been assigned the tracking number: 20-FI-HQ-00246. On November 12th, we received an acknowledgment of receipt from your office that granted our request for expedited processing, ensuring that HUD would give our request priority. According to HUD's website, our request had an estimated delivery date of December 10th, 2019. However, to date, it appears that the HUD FOIA Office has not begun actively processing our request.

If you could provide us with a more detailed update on the status of our request, as well as an updated timeline that would be greatly appreciated.

Best,
Malik Williams

Malik Williams

Law Clerk

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From: Donovan, Kerry C. <KCDonovan@winston.com>
Sent: Friday, November 22, 2019 3:33 PM
To: Ethan.G.Bodell@hud.gov
Cc: Kessler, Jeffrey L. <JKessler@winston.com>; Amato, Jeffrey J. <JAmato@winston.com>; Angus-Yamada, Colleen K. <CAngusYamada@winston.com>; Williams, Malik <MWWilliams@winston.com>
Subject: RE: FOIA Receipt

Ethan,

Thank you for updating us on the current status of our FOIA request. In connection with your follow-up requests, please find below (i) a list of specific custodians and program offices within HUD that we would like you to search in connection with items 5 & 6, and (ii) a list of specific employees whose records we would like you to search for item 7. Please let us know if there is any additional information that we need to provide to complete this request.

For items 5 & 6, referring to any records (as defined in items 5 & 6 of our initial FOIA request) related to the SAVE program, we seek records from the following offices and employees:

- Secretary of HUD:
 - Ben Carson
- Office of the Chief Human Capital Officer:
 - Monica Matthews
 - Krista Mills
 - Rose Butler
 - Debra Cool
 - Michelle Dockett
- Office of Fair Housing and Equal Opportunity:
 - Anna Marie Farias
 - Linda M. Ayala
 - Daniel Huff
 - DeAndra Johnson Cullen
 - Danielle Garcia
 - Jamie E. Forero
 - Tiffany M. Johnson
- Office of Field Policy and Management:
 - Benjamin Eugene Demarzo
 - Alexander Stowe
 - Timothy Smyth
 - Jill Yu
 - Christopher D. Taylor
 - Karen A. Lake
 - Michael C. Lawyer
 - Holly A. Kelly

For item 7, referring to any records (as defined in item 7 of our initial FOIA request) related to the White House's immigration agenda, we seek records from the following employees:

- Secretary of HUD:
 - Ben Carson
- Office of Public Affairs:
 - Caroline VanVick
 - Jereon Brown
 - Bradley Bishop
 - Matthew Schuck
 - Sadie Thurman
 - Michael Benz
 - Shantae Goodloe

- April Tey Brown
- White House Liaisons
 - Todd Thurman
 - Michael Burley
 - Drew Mccall
- Office of Policy Development and Research
 - Seth Appleton
 - Todd Richardson
 - Dana B. Bres
 - Monique M. Floyd
 - Rebecca J. Reed

We appreciate your timely cooperation with this request. Please feel free to reach out with any additional questions.

Best,
Kerry Donovan

Kerry C. Donovan

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From: "Bodell, Ethan G" <Ethan.G.Bodell@hud.gov>

Date: November 12, 2019 at 11:49:10 AM EST

To: "Kessler, Jeffrey L." <JKessler@winston.com>

Subject: FOIA Receipt

Mr. Kessler,

Attached, please find a letter acknowledging HUD's receipt of your FOIA request, 20-FI-HQ-00246. At this time, I'd like to seek clarification on a few of the requested items. Specifically, for our office to be able to conduct correspondence searches (including emails, phone logs, text messages, etc.) we must first be able to identify specific custodians whose records we seek to search. Our electronic discovery platform, which we utilize to obtain emails from @hud.gov accounts, is custodian-based, as are our phone record searches. I.e. without a name (and a date range, which you have provided), we cannot even initiate a search. We do not have the technological capability to run searches

through the accounts of all employees.

Where very specific topics are referenced, we may not need specific custodians. For instance, items 1-4 of your request relate to a specific Proposed Rule. I have assigned this to a few program offices who worked on the matter, who should be able to identify specific individuals, allowing us to initiate searches in those individuals' accounts. For more broadly-worded items (see below) where we are not able to identify specific program offices or employees on the face of the request, we rely on requesters to identify whose records they are seeking.

For items 5 and 7, you ask for all communications relating to the SAVE program, and related to the White House's immigration policy, from 7/1/18 to the present. On their face, these items could pertain to any one of the 8,000+ employees of the Department. Because this is a more broadly-worded item, we are unable to identify specific custodians whose records you may seek. Are you able to identify any specific employees of HUD whose records you would like us to search?

For item 6, are you able to identify specific custodians, or specific program offices, within HUD that you may be interested in?

If you have a moment to provide any additional information for the three identified items, I would appreciate it. We have initiated a search for the other items already.

Best,

Ethan G. Bodell, Esq.

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