

# **EXHIBIT 4**

---

**From:** DHA NCR PCL Mailbox FOIA Requests <dha.ncr.pcl.mbx.foia-requests@mail.mil>  
**Sent:** Friday, January 17, 2020 9:10 AM  
**To:** Reddick, Nicholas  
**Subject:** 20-00244 Acknowledgement Letter (UNCLASSIFIED)  
**Attachments:** 20-00244\_Acknowledgement LTR.pdf

CLASSIFICATION: UNCLASSIFIED

Dear Michael Gottlieb,

This correspondence serves as the official acknowledgement for your Freedom of Information Act (FOIA) request. Please refer to the attached memo for your assigned Control Identification Number and additional guidance.

Respectfully,  
DHA FOIA Service Center  
Defense Health Agency  
7700 Arlington Boulevard, Suite 5101  
Falls Church, VA 22042-5101  
PH: 703-275-6017  
Email: DHA.FOIA@mail.mil

For more info, log on to: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_health.mil\\_Military-2DHealth-2DTopics\\_Privacy-2Dand-2DCivil-2DLiberties\\_FOIA\\_Privacy-2DAct-2DRequests&d=DwIFAg&c=PMBNytmjBbkRgFcdMTUT4Q&r=ekMpeVcf2j98CAngXFai7rxc-cvFIKbtbgZcoTJ2b9M&m=13onMfTDxboR3RSrkbx-MQXzoe3\\_sWyYx-hqnmLIUU&s=ka\\_\\_6N1d2YMkm239byfpP61HFQhX4s16gYQcgXCy\\_uA&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__health.mil_Military-2DHealth-2DTopics_Privacy-2Dand-2DCivil-2DLiberties_FOIA_Privacy-2DAct-2DRequests&d=DwIFAg&c=PMBNytmjBbkRgFcdMTUT4Q&r=ekMpeVcf2j98CAngXFai7rxc-cvFIKbtbgZcoTJ2b9M&m=13onMfTDxboR3RSrkbx-MQXzoe3_sWyYx-hqnmLIUU&s=ka__6N1d2YMkm239byfpP61HFQhX4s16gYQcgXCy_uA&e=)

"This electronic message transmission may be proprietary, confidential and/or privileged information covered under the Privacy Act, 5 USC 552(a), and/or the Health Insurance Portability and Accountability Act of 1996 (PL 104-191) and its various implementing regulations and must be protected in accordance with those provisions. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify the sender immediately by replying to the address listed in the "From:" field and destroy any copies you have made along with the original."

CLASSIFICATION: UNCLASSIFIED



**DEFENSE HEALTH AGENCY**  
7700 ARLINGTON BOULEVARD, SUITE 5101  
FALLS CHURCH, VIRGINIA 22042-5101

January 17, 2020

Michael Gottlieb  
Willkie Farr & Gallagher, LLP  
1875 K Street N.W.  
Washington, DC 20006-1238

Requester's Tracking No: 20-00244

Dear Michael Gottlieb:

Thank you for your Freedom of Information Act (FOIA) request of January 9, 2020, received by the Defense Health Agency (DHA) on January 9, 2020. Your request has been assigned initial case number 20-00244. Please provide this number in any future correspondence on this matter.

A review of your request shows that you are seeking:

*[I, Michael Gottlieb, request a copy of the following records, files, reports, products, or other documents be provided to me pertaining to the improvised explosive device attack (explosion) which occurred on October 12, 2009 (the "Attack") outside of Al Amara, Iraq in which the below listed soldier was wounded in action. Please search the Defense Health Agency for records for the below listed information in response to this request: ... Stephen W. Evans. Please include all of the agency's responsive documents that are classified below the TS/SIC and/or SAP levels; for example, any documents marked Unclassified (U), Sensitive But Unclassified.]*

This correspondence serves as an interim response to your FOIA request. Presently, we are unable to respond to your request within the FOIA's 20-day statutory time period due to unusual circumstances. The unusual circumstances may include: (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; (c) the need for consultation with one or more agencies which have substantial interest in either the determination or the subject matter of the records; and (d) an unusually high volume of requests.

In accordance with 32 Code of Federal Regulations Part § 286.8(a), the DHA FOIA Service Center responds to requests in the order received. Your request has been logged into our complex queue and the **estimated** completion date is July 2020. We regret there is currently a substantial delay in processing requests, and we solicit your understanding and patience as we diligently work to respond.

With the Freedom of Information Reform Act of 1986, Congress amended the FOIA to allow some processing costs to be passed on to the requesters. Also, the DoDM Manual 5400.07, DoD Freedom of Information Act Program, January 25, 2017 states, regardless of the requester's fee category, all requesters must agree to pay the likely chargeable fees associated with processing their requests. This regulation also allows the assessment of search fees even if no responsive records are located; or if responsive records are located, but determined to be exempt from release.

We have classed your request as a "commercial-use" request. As a "commercial-use" requester, you are expected to pay for the cost of searching for responsive records, the cost of reviewing responsive records found for a release determination, and the cost of duplication of responsive records released. As a matter of policy, the DHA does not bill requesters when their fees do not exceed \$25.00.

In your FOIA request, you indicated that you are willing to pay \$250.00 for your request. In the event the cost to process your request exceeds \$250.00, this office will notify you prior to proceeding. If you have any questions or concerns about the processing of your request, you may contact the FOIA Service Center at (703) 275-6017.

Sincerely,

Defense Health Agency  
Freedom of Information Service Center