

Theodore J. Folkman

From: Johnson, Anita (USAMA) [Anita.Johnson@usdoj.gov]
Sent: Thursday, March 06, 2014 5:44 PM
To: Theodore J. Folkman
Subject: Folkman v. United States

Mr. Folkman,

I see there has been a big decision in the case that you are tracking, an earthquake. Is it possible that the documents that you have been seeking from the Department of State will no longer be of interest to you?

The Department of State's suggestion of September 30, 2014, for its production of the last group of its documents is based on the fact that, after the July production, there will be approximately 1000 documents to be sorted through. They must each be put into the system on computer, and decisions made about release of each document at two levels of decisionmaking. This group of documents appear to be mostly legal pleadings. However, determinations must be made regarding whether pleadings submitted to some forums, such as arbitrations, are confidential or not. There are approximately 800 documents involved in all of the stages of production through July, so the Department feels that it will be diligent in processing 1000 documents by Sept. 30.

Regarding your request for a Vaughn index at each stage of the Department of State's production, the Department is not agreeable at this time. Ms. Walter's Declaration was produced in response to a Court order to do so by Sept. 30, 2013. It is not the Department's practice to prepare such explanations at each stage of production. They are extremely time consuming and labor intensive to produce. The Department does prepare such explanations at the end of the productions, should the legal need arise.

As to the "third party" that you inquire about, the Department is aware of your query and expects to identify the third party. However, at this time, the Department is still in the process of attempting to secure the permission of the third party for this disclosure. The Department has taken efforts to secure this permission, but it has been unusually complicated.

Please let me know whether you are amenable to the September 30, deadline for the final document disclosure.

Thank you very much,

Anita Johnson
617-748-3266