

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE MILITARY RELIGIOUS FREEDOM
FOUNDATION,

Plaintiff,

v.

Case No.

UNITED STATES AIR FORCE ACADEMY
and DEPARTMENT OF THE AIR FORCE,

Defendants.

COMPLAINT FOR INJUNCTIVE RELIEF AND DISCLOSURE OF DOCUMENTS

Plaintiff The Military Religious Freedom Foundation (“MRFF”), by and through undersigned counsel, hereby submits this Complaint for Injunctive Relief and Disclosure of Documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), for injunctive relief to compel the disclosure and release of agency records improperly withheld by Defendants United States Air Force Academy (“USAFA”) and Department of the Air Force and for other appropriate relief.

JURISDICTION AND VENUE

1. This Court has both subject matter jurisdiction over this matter and personal jurisdiction over the parties. 5 U.S.C. § 552(a)(4)(B).
2. Venue is proper in the United States District Court for the District of New Mexico. 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff MRFF is a non-profit organization established in Albuquerque, New Mexico for the purpose of protecting the religious freedom of all soldiers, sailors, Marines, airmen, midshipmen, cadets, and veterans throughout the United States of America.

4. Defendant USAFA is a university and Air Force installation, which is subject to the requirements of FOIA.

STATEMENT OF FACTS

August 2011 Request

5. MRFF filed a request for information from USAFA on August 29, 2011, pursuant to FOIA.

6. The 2011 FOIA request (“Request”) sought:

- a. All agency records relating to MRFF, including but not limited to records relating to any actual, alleged, or suspected clients, supporters, or sympathizers of MRFF;
- b. All agency records relating to Michael L. “Mikey” Weinstein, Founder and President of MRFF, from November 17, 2010 to the date USAFA would produce the results of the FOIA search;
- c. All agency records relating to Dr. Ronald David Mullin, a longtime MRFF client, current MRFF Director of FOIA Affairs at USAFA and former USAFA Associate Professor of Economics, as well as to his service dog, “Caleb,” from January 1, 1997 to the date USAFA would produce the results of the FOIA search;
- d. All agency records relating to Casey M. Weinstein from January 1, 1999 to the date USAFA would produce the results of the FOIA search;
- e. All agency records relating to Curtis G. Weinstein from January 1, 2001 to the date USAFA would produce the results of the FOIA search;
- f. All agency records relating to Amanda L. Weinstein (formerly Amanda L. Baranek) from January 1, 1999 to the date USAFA would produce the results of the FOIA search;

- g. All agency records relating to Bonnie L. Weinstein from January 1, 1999 to the date USAFA would produce the results of the FOIA search; and
 - h. All agency records relating to Amber J. Weinstein from January 1, 2006 to the date USAFA would produce the results of the FOIA search.
7. The Request is attached as Ex. 1 and is incorporated herein.
 8. Bonnie Weinstein is MRFF's Development Director and has been since before August 2011.
 9. Casey Weinstein, Curtis Weinstein, Amanda Weinstein, and Amber Weinstein are all longtime MRFF clients and/or participatory supporters of the organization.
 10. MRFF did not receive any response to the Request from USAFA within twenty (20) days of its Request, as mandated by FOIA. 5 U.S.C. § 552(a)(6)(A)(i).
 11. MRFF did not receive any notice from USAFA of unusual circumstances requiring an extension of the statutory deadline within twenty (20) days of its Request, as mandated by FOIA. 5 U.S.C. § 552(a)(6)(b)(ii).
 12. USAFA did not respond to MRFF's August Request until March 2, 2012, approximately seven months after the statutory deadline to respond.
 13. On March 2, 2012, USAFA notified MRFF that it was working on the Request and would produce responsive documents at the earliest possible date ("Notification"). The Notification is attached as Ex. 2 and is incorporated herein.
 14. MRFF received a "first interim response" ("First Response") from USAFA on May 17, 2012, which included 1,000 pages of documents responsive to only two of the eight categories included in MRFF's Request.

15. Significant portions of the documents produced as part of USAFA's First Response were improperly redacted, allegedly because they included information that would invade another individual's personal privacy within the exemption contained in 5 U.S.C. § 552(b)(6) ("Exemption 6").

16. The First Response is attached as Ex. 3 and is incorporated herein.

17. MRFF received a "second interim response" ("Second Response") from USAFA on February 20, 2015, approximately three years after the First Response.

18. The Second Response is attached as Ex. 4 and is incorporated herein.

19. The Second Response stated that an additional 7,216 documents had been collected as potentially responsive, 3,173 of which had been reviewed.

20. The Second Response stated that the 3,173 documents reviewed were being withheld on the basis that they contained "personal information in other files that, if disclosed would result in a clearly unwarranted invasion of personal privacy," citing Exemption 6.

21. The Second Response did not include any description or other information regarding the withheld documents explaining how they fell within Exemption 6.

22. The Second Response did not include the names and titles and/or positions of each person responsible for the denial of the requested information, as required by FOIA. 5 U.S.C. § 552(a)(6)(c).

23. The Second Response stated that USAFA expected to review and produce the remaining 4,043 documents no later than June 30, 2015.

24. The Second Response erroneously claimed that MRFF's 2011 Request had been withdrawn when the referenced January 17, 2013 correspondence in no way withdrew MRFF's

Request and instead simply stated that further correspondence should be directed to another attorney working on the matter.

25. The January 17, 2013 correspondence is attached to Ex. 5 as its Ex. A and is incorporated herein.

26. USAFA failed to produce any additional documents or provide any additional information by its own deadline of June 30, 2015.

March 2015 Appeal

27. MRFF issued an appeal of the Second Response (“Appeal”) on March 6, 2015.

28. The Appeal is attached as Ex. 5 and is incorporated herein.

29. USAFA did not respond to the appeal with a final determination within twenty days, as required by FOIA. 5 U.S.C. § 552(a)(6)(A)(ii).

30. To date, USAFA has not made any determination regarding MRFF’s Appeal.

31. On August 5, 2015, USAFA provided MRFF with yet another anticipated completion date of September 15, 2015 for producing the requested documents.

32. The August 5, 2015 email is attached as Ex. 6 and is incorporated herein.

33. USAFA failed to produce additional responsive documents by its own deadline of September 15, 2015.

34. On September 15, 2015, USAFA emailed MRFF to explain that it was continuing to process the request for documents “because the records sought are voluminous and complicated.” USAFA promised monthly updates in regard to its processing of the four-year old request and subsequent appeal.

35. The September 15, 2015 email is attached as Ex. 7 and is incorporated herein.

36. To date, USAFA has not produced the promised documents, let alone the requested documents.

37. To date, USAFA has not provided any update, periodic or otherwise, as promised.

38. USAFA has ignored the statutory deadlines of FOIA, as well as its own promised deadlines, in connection with MRFF's 2011 Request.

39. USAFA's actions concerning MRFF's 2011 Request violate FOIA.

40. USAFA's actions concerning MRFF's 2011 Request, including but not limited to the withholding of 3,173 documents, are arbitrary and capricious.

41. USAFA similarly ignored the statutory deadlines of FOIA in connection with at least one other FOIA request by MRFF in 2013.

42. The actions of USAFA concerning MRFF's 2011 Request and the similar actions concerning another MRFF FOIA request in 2013 demonstrate a pattern, practice, and/or policy to refuse to abide by the terms of FOIA and such a pattern, practice, and/or policy will cause continued injury to MRFF in connection with future FOIA requests.

43. USAFA's pattern, practice, and/or policy to refuse to abide by the terms of FOIA is unlawful and arbitrary and capricious.

CLAIM I: VIOLATION OF THE TERMS OF FOIA

44. The allegations contained in Paragraphs 1-43 are incorporated as if fully set forth herein.

45. FOIA requires that requests receive a response within twenty (20) days. 5 U.S.C. § 552(a)(6)(A)(i).

46. USAFA failed to provide MRFF with any response regarding its FOIA request until approximately seven months after the statutory deadline.

47. USAFA has only produced 1,000 pages of responsive documents, despite admitting that an additional 7,216 pages have been located.

48. USAFA stated in its Second Response that 3,173 pages of the additional documents would not be produced pursuant to Exemption 6.

49. To date, USAFA has not provided MRFF with any information concerning the 3,173 pages of documents withheld showing that they fall within Exemption 6.

50. To date, USAFA has neither produced nor provided any information concerning the remaining 4,043 pages of documents it admits to have already located.

51. The Second Response did not include the names and titles and/or positions of each person responsible for the denial of the requested information, as required by FOIA.

52. FOIA requires that an appeal of a denial of a FOIA request receive a determination regarding the appeal within twenty (20) days. 5 U.S.C. § 552(a)(6)(A)(ii).

53. Despite its self-imposed deadlines and promised timeline, USAFA has failed to make a determination regarding MRFF's March, 2015 appeal.

54. USAFA has repeatedly ignored the requirements of FOIA, as well as its own proposed extended deadlines.

55. USAFA's actions are in violation of the requirements of FOIA and Plaintiff is entitled to the relief set forth below.

56. USAFA's actions in connection with MRFF's Request are arbitrary and capricious.

CLAIM II: PATTERN AND PRACTICE OF VIOLATING TERMS OF FOIA

57. The allegations contained in Paragraphs 1-56 are incorporated as if fully set forth herein.

58. USAFA failed to produce any documents or otherwise respond to MRFF's Request within twenty (20) days, as required by FOIA.

59. MRFF received USAFA's First Response on May 17, 2012, approximately nine months after the statutory deadline.

60. USAFA issued a Second Response on February 20, 2015, more than three years after receiving MRFF's Request.

61. The Second Response did not include the names and titles and/or positions of each person responsible for the denial of the requested information, as required by FOIA.

62. In its Second Response, USAFA admitted that additional responsive documents had been located and anticipated producing them no later than June 30, 2015.

63. USAFA failed to produce any documents or provide any information concerning MRFF's Request by its own stated deadline of June 30, 2015.

64. On August 5, 2015, USAFA informed MRFF via email that it anticipated producing additional responsive documents no later than September 15, 2015.

65. USAFA failed to produce any documents or provide any information concerning MRFF's Request by its own stated deadline of September 15, 2015.

66. USAFA has repeatedly ignored the requirements of FOIA, as well as its own proposed extended deadlines.

67. MRFF filed a second FOIA request ("Second Request") on November 27, 2013, requesting documents not at issue in this litigation.

68. USAFA failed to respond to MRFF's Second Request until February 18, 2015 – over one year after the Second Request was received.

69. USAFA's consistent disregard for the requirements of FOIA in connection with MRFF's Request shows a pattern and practice of violating the terms of FOIA.

70. USAFA's similar disregard for the requirements of FOIA in connection with MRFF's Second Request shows a pattern and practice of violating the terms of FOIA.

71. USAFA has adopted a policy of failing to abide by the terms of FOIA in connection with requests made by MRFF.

72. USAFA's policy of failing to abide by the terms of FOIA in connection with requests made by MRFF will impair MRFF's lawful access to information and documents in the future.

73. The impairment of MRFF's lawful access to information and documents will cause MRFF to suffer continuous injury and Plaintiffs are entitled to the relief set forth below.

CLAIM III: IMPROPER INVOCATION OF FOIA EXEMPTION

74. The allegations contained in Paragraphs 1-73 are incorporated as if fully set forth herein.

75. Significant portions of the 1,000 pages produced by USAFA were redacted, allegedly pursuant to Exemption 6.

76. USAFA failed to provide MRFF with any information concerning how the redacted portions fit within Exemption 6 and thereby render redaction proper.

77. At least some redacted information, on its face, does not fit within Exemption 6. By way of example, USAFA consistently redacted the name/email address of the recipient of various MRFF newsletters – thus, implying that the identity of an individual on MRFF's own mailing list should be kept confidential from MRFF.

78. In its Second Response, USAFA claimed it was withholding an additional 3,173 pages of documents pursuant to Exemption 6.

79. USAFA failed to provide MRFF with any information concerning how the withheld documents fit within Exemption 6 and would thereby render withholding proper.

80. Blanket objections and/or conclusory allegations are not sufficient to refuse to produce responsive documents in connection to a FOIA request.

81. USAFA's improper redaction of information, not within Exemption 6, cast further doubt upon its unexplained, unsupported and complete withholding of 3,173 pages of documents allegedly pursuant to the same exemption.

82. USAFA has improperly invoked Exemption 6 and Plaintiffs are entitled to the relief set forth below.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

1. An order directing USAFA to release all records requested in MRFF's FOIA Request;
2. An injunction against USAFA from relying on Exemption 6, as well as any other FOIA exemption not previously relied upon in its withholding of documents;
3. An order stating that USAFA's actions violate the terms of FOIA;
4. A finding that USAFA's actions are arbitrary and capricious; and
5. An order directing USAFA to pay all costs and attorney fees associated with the filing of this litigation.

Respectfully submitted,

/s/Vincent J. Ward

Vincent J. Ward

Amber Fayerberg

FREEDMAN BOYD HOLLANDER

GOLDBERG URIAS & WARD, P.A.

20 First Plaza NW, Suite 700

Albuquerque, NM 87102

(505) 842-9960

Attorneys for Plaintiff

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| | |
|---|---|
| <p>I. (a) PLAINTIFFS THE MILITARY RELIGIOUS FREEDOM FOUNDATION</p> <p>(b) County of Residence of First Listed Plaintiff <u>BERNALILLO</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Freedman Boyd Hollander Goldberg Urias & Ward, P.A.</p> | <p>DEFENDANTS UNITED STATES AIR FORCE ACADEMY and DEPARTMENT OF THE AIR FORCE</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p> |
|---|---|

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| <p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> | | PTF | DEF | | PTF | DEF | Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | | | | |

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

| | | | | | |
|---|--|---|--|---|---|
| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | LABOR | PROPERTY RIGHTS | |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | |
| | | | IMMIGRATION | SOCIAL SECURITY | |
| | | | <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | |
| | | | | FEDERAL TAX SUITS | |
| | | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District *(specify)*
 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
Freedom of Information Act, 5 U.S.C. § 552

Brief description of cause:
Plaintiff brings action against USAFA & DAF for their violation of the FOIA Pursuant to 5 U.S.C. § 552

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 0.00 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE 11/5/15 SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JONES DAY

555 CALIFORNIA STREET • 26TH FLOOR • SAN FRANCISCO, CALIFORNIA 94104.1500
TELEPHONE: 415.626.3939 • FACSIMILE: 415.875.5700

Direct Number: (415) 875-5772
mrmclively@jonesday.com

JP012724

August 29, 2011

VIA U.S. MAIL, E-MAIL, AND
FACSIMILE (719) 333-0060

USAFA FOIA Requester Service Center
Lieutenant Colonel Gary D. Denny
5136 Community Center Drive, Ste. C102
USAF Academy CO 80840-4200

Re: FOIA Request

Dear Lieutenant Colonel Denny:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

On behalf of my client, Michael L. "Mikey" Weinstein, Founder and President of the Military Religious Freedom Foundation (MRFF), I request that a copy of the following documents be provided to me:

1. All agency records relating to the Military Religious Freedom Foundation, including, but not limited to, records relating to any actual, alleged, or suspected clients, supporters, or sympathizers of MRFF.
2. All agency records relating to Michael L. "Mikey" Weinstein, Founder and President of MRFF, from November 17, 2010 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.
3. All agency records relating to Dr. Ronald David Mullin, USAF Academy Associate Professor of Economics, or to his service dog, "Caleb," from January 1, 1997 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.
4. All agency records relating to Casey M. Weinstein from January 1, 1999 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.
5. All agency records relating to Curtis G. Weinstein from January 1, 2001 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.

SFI-709407v1

JONES DAY

Lieutenant Colonel Gary D. Denny
August 29, 2011
Page 2

6. All agency records relating to Amanda L. Weinstein (formerly Amanda L. Baranek) from January 1, 1999 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.
7. All agency records relating to Bonnie L. Weinstein from January 1, 1999 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.
8. All agency records relating to Amber J. Weinstein from January 1, 2006 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.

Please note that fees in connection with a related request were previously waived, per your letter of January 28, 2011, as MRFF is a non-commercial entity which seeks to disseminate information gained from this request to enhance the public's understanding of USAF Academy operations as they relate to religious freedom (see our letter dated December 2010). We request that you waive the fees associated with this related request for the same reasons.

If you have any questions about this request, I may be contacted at (415) 875-5712 or 555 California Street, 26th Floor, San Francisco, CA 94104.

Please feel free to contact me to discuss any aspect of this request.

Very truly yours,



Michael R. McLively



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

MAR 2 2012

USAFA FOIA Requester Service Center
5136 Community Center Drive Ste C102
USAF Academy CO 80840

JONES DAY
Attn: Michael R. McLively
555 California Street 26th Floor
San Francisco CA 94104-1500

Dear Mr McLively

This is in reference to your FOIA request dates August 29, 2011. This is to notify you that we are still working your request. The delay is due to the number of agencies tasked and the vast amount of records to be reviewed. We will provide the documents requested at the earliest date possible.

Sincerely



LAURENCE L. MCDANEL



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

MAY 17 2012

Lieutenant Colonel Gary D. Denney
Director, Communications and Information
2304 Cadet Drive, Suite 3700
USAF Academy CO 80840-5001

JONES DAY
Attn: Michael R. McLively
555 California Street 26th Floor
San Francisco CA 94104-1500

Dear Mr. McLively

This is an interim reply response to your Freedom of Information Act request dated 29 August 2011 in which you requested a copy of numerous documents relating to Mr Weinstein and the Military Religious Foundation (MRFF). Attached are 1000 pages of information which is the first interim reply.

This information was reviewed under The Privacy Act of 1974 (as supplemented by Air Force Instruction 33-332, *Privacy Act Program*) and the Freedom of Information Act, United States Code, Title 5 (as supplemented by DoDR 5400.7-R, *DoD Freedom of Information Act Program*). We have redacted certain portions of the information as it falls under the attorney-client privilege and because it is personal in nature and would clearly violate the individuals' privacy. The authority for this exemption is United States Code, Title 5, Section 552(b)(5) and (b)(6) of the Freedom of Information Act.

You may appeal this decision by writing to the Secretary of the Air Force within 60 days of the date of this letter. Include in your appeal your reasons for reconsideration and attach a copy of this letter. Address your letter as follows:

Office of the Secretary of the Air Force
Thru: USAFA/A6 (FOIA)
5136 Community Center Drive
USAF Academy CO 80840-4200

Sincerely

A handwritten signature in black ink that reads "Gary D. Denney".

GARY D. DENNEY, Lieutenant Colonel, USAF

Attachment:
Request Information (1000 pages)



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

20 February 2015

David J. Hluska
Chief Information Officer
2304 Cadet Drive, Suite 3300
USAF Academy CO 80840-5001

Amir Amiri
Jones Day
555 California Street, 26th Floor
San Francisco, CA 94104

Dear Mr. Amiri

This is a 2nd interim reply response to your Freedom of Information Act request which originated with Mr. Michael McLively under FOIA Case #2011-06546-F and re-opened under Case 2013-01717-F upon Mr. McLively request to withdraw original request. Mr. McLively requested a 1) All agency records relating to the Military Religious Freedom Foundation, including, but not limited to, records relating to any actual, alleged, or suspected clients, supporters, or sympathizers of MRFF. 2) All agency records relating to Michael L. "Mikey" Weinstein, Founder and President of MRFF, from November 17, 2010 to the date the Air Force Academy transmits the results of this FOIA search to your law firm 3) All agency records relating to Dr. Ronald David Mullin, USAF Academy Associate Professor of Economics, or to his service dog, "Caleb," from January 1, 1997 to the date the Air Force Academy transmits the results of this FOIA search to your law firm. 4) All agency records relating to Casey M. Weinstein from January 1, 1999 to the date the Air Force Academy transmits the results of this FOIA search to my law firm. 5) All agency records relating to Curtis G. Weinstein from January 1, 2001 to the date the Air Force Academy transmits the results of this FOIA search to your law firm. 6) All agency records relating to Amanda L. Weinstein (formerly Amanda L. Baranek) from January 1, 1999 to the date the Air Force Academy transmits the results of this FOIA search to my law firm. 7) All agency records relating to Bonnie L. Weinstein from January 1, 1999 to the date the Air Force Academy transmits the results of this FOIA search to my Law firm and 8) All agency records relating to Amber J. Weinstein from January 1, 2006 to the date the Air Force Academy transmits the results of this FOIA search to my law firm.

Our records indicate an interim reply consisting of 1295 pages of documents responsive to request items 1 and 2 were sent to your firm on 17 May 2012. An additional 7,216 pages of records have been collected as potentially responsive to this request.

Developing Leaders of Character

EXHIBIT 4

This information was reviewed under The Privacy Act of 1974 (as supplemented by Air Force Instruction 33-332, *Privacy Act Program*) and the Freedom of Information Act, United States Code, Title 5 (as supplemented by DoDR 5400.7-R, *DoD Freedom of Information Act Program*). We reviewed 3,173 pages of the additional 7,216 which is responsive to items 3-8 of this request. We have totally withheld the information from release as it contains personal information in other files that, if disclosed would result in a clearly unwarranted invasion of personal privacy. The authority for this exemption is United States Code, Title 5, Section 552 (b)(6) of the Freedom of Information Act.

The remaining 4,028 pages responsive to items 1 and 2 will be processed and released incrementally until complete. We estimate completing the remaining portion by 30 Jun 2015.

You may appeal this decision by writing to the Secretary of the Air Force within 60 days of the date of this letter. Include in your appeal your reasons for reconsideration and attach a copy of this letter. Address your letter as follows:

Office of the Secretary of the Air Force
Thru: USAFA/A6 (FOIA)
5136 Community Center Drive
USAF Academy CO 80840-4200

The United States Air Force Academy does not have a requirement to respond to the overbroad request pursuant to the law, but, in good faith, will continue to process the request with a fee waiver.

Sincerely

2/20/2015

 David J. Hluska

Signed by: HLUSKA.DAVID.J.1024062909

DAVID J. HLUSKA, Civ, DAF
Chief Information Officer

JONES DAY

555 CALIFORNIA STREET • 26TH FLOOR • SAN FRANCISCO, CALIFORNIA 94104.1500
TELEPHONE: +1.415.626.3939 • FACSIMILE: +1.415.875.5700

331740-600001

March 6, 2015

Via FedEx

Office of the Secretary of the Air Force
Thru: USAFA/A6 (FOIA)
5136 Community Center Drive
USAF Academy, CO 80840-4200

Re: FOIA Appeal re Case # 2011-06546-F/2013-01717-F

Dear Ms. Secretary:

This letter responds to the second interim reply received by my client, the Military Religious Freedom Foundation (“MRFF”), from the United States Air Force Academy (“USAFA”) in response to a Freedom of Information Act (“FOIA”) request filed on August 29, 2011. USAFA sent a first interim reply to my firm on May 17, 2012 with 1,295 documents responsive to items 1 and 2 of MRFF’s request. The second interim reply was received on February 20, 2015. In that letter, USAFA denied the release of 3,173 pages of documents responsive to items 3 through 8 of MRFF’s request, claiming the documents are exempt from production.

MRFF appeals USAFA’s positions as articulated in the second interim reply for the following reasons:

- (1) It erroneously states that MRFF withdrew its FOIA request;
- (2) USAFA’s excessive and repeated failure to respond timely to MRFF’s FOIA request constitutes a pattern and practice of unreasonable delay; and
- (3) USAFA has invoked Exemption 6 too broadly by withholding documents where redaction is sufficient to achieve the goals of 5 U.S.C. § 552(b)(6) (“Exemption 6”).

A. Erroneous Assertion Regarding Withdrawal

USAF’s second interim reply states that Mr. Michael McLively, formerly of Jones Day, withdrew MRFF’s original FOIA request, which caused the request to be reopened at a later date. The email record, attached as Exhibit A hereto, shows otherwise.

Mr. McLively never withdrew the request. Rather, Mr. McLively merely informed USAFA’s FOIA office that Mr. McLively was disassociating from Jones Day and that all further

Office of the Secretary of the Air Force
March 6, 2015
Page 2

correspondence should be directed to the undersigned. Further, in the same letter, Mr. McLively asked for a status update regarding when the documents would be produced. He never requested to close the matter and the email cannot be reasonably construed as such. Accordingly, USAFA's almost four-year delay in responding to my client's FOIA request is solely attributable to USAFA and is in no way a result of any alleged "withdrawal" of the request. USAFA's bald misrepresentation is all the more concerning because it appears to be an attempt to excuse USAFA's nearly four-year delay in responding to MRFF's FOIA request.

B. Pattern and Practice of Unreasonable Delay

With respect to delay, USAFA's failure to respond to MRFF in a timely manner is so repetitive and so egregious as to constitute a pattern and practice of unreasonable delay. Federal agencies that engage in a pattern of delay in responding to a FOIA request inflict a judicially redressable injury, even if all the requested documents are eventually produced. *See Payne Enter. v. United States*, 837 F.2d 486, 494-95 (D.C. Cir. 1988). Plaintiffs injured by a pattern and practice of unreasonable delay may be entitled to injunctive relief. *See Hajro v. United States Citizenship & Immigration Servs.*, 832 F. Supp. 2d 1095, 1108 (N.D. Cal. 2011).

An agency has 20 business days in which to respond to a FOIA request. 5 U.S.C. § 552(a)(6)(A). An agency may extend its response period by 10 business days under "unusual circumstances" by written notice to the requester. Where an agency believes that it will not be able to respond even with the 10-day extension, it must provide the requester an opportunity to narrow the request so that the agency may timely respond. *Id.* at § 552(a)(6)(B)(ii) (requiring that an agency "*shall* provide the [requester] an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request.") (emphasis added).

Here, MRFF sent its FOIA request to USAFA on August 29, 2011. USAFA first responded to the request on March 2, 2012—126 working days after the request was filed. However, the response did not contain any responsive documents, but rather informed MRFF that USAFA was still working on the request. USAFA first produced documents in an interim response to items 1 and 2 of MRFF's request on May 17, 2012 — 180 working days after MRFF's request and 54 days after USAFA's initial response. On November 29, 2012—314 working days after MRFF's request and 188 working days after USAFA's initial response, USAFA contacted MRFF's counsel about MRFF's still outstanding requests, stating that USAFA "[has] no way of knowing if" MRFF's request was responded to. *See* Exhibit A, attached hereto. After over two more years of phone and email communication wherein USAFA continuously promised that it was working efficiently and would produce documents, the second interim reply was received on February 20, 2015 — 871 working days after MRFF's request and 691 working days after USAFA's first interim response.

Office of the Secretary of the Air Force
March 6, 2015
Page 3

Though the second interim reply refers to MRFF's request as "overbroad," USAFA *never* provided MRFF with an opportunity to narrow its requests pursuant to § 552(a)(6)(B)(ii). Thus, USAFA cannot rely on "over-breadth" as a reason for its delay. Further, USAFA never set forth *any* "unusual circumstances" that would entitle USAFA to an extension. *See Hajro*, 832 F. Supp. 2d at 1107 (finding that delay coupled with failure to enumerate "unusual circumstances" could support a pattern or practice cause of action). In short, USAFA's egregious delays are unacceptable and contrary to the letter and spirit of FOIA.¹ MRFF requests that any and all remaining responsive documents be released forthwith.

C. Inappropriate Invocation of Exemption 6

USAFA's second interim reply also explains its decision to withhold over 3,000 pages of documents pursuant to Exemption 6. Agencies may balance an individual's right of privacy against the public's right to scrutiny of agency action, but the statutory language of Exemption 6 tilts that balance in favor of disclosure. *See Multi AG Media LLC v. USDA*, 515 F.3d 1224, 1227 (D.C. Cir. 2008) (quoting *Nat'l Ass'n of Home Builders v. Norton*, 309 F.3d 26, 32 (D.C. Cir. 2002)) ("under Exemption 6, the presumption in favor of disclosure is as strong as can be found anywhere under the Act."); *see also United Ass'n of Journeymen & Apprentices of the Plumbing & Pipefitting Indus., Local 598 v. Dep't of the Army, Corps of Eng'rs*, 841 F.2d 1459, 1463 (9th Cir. 1988).

Courts recognize privacy interests in personally identifying data, such as a person's name, address, phone number, date of birth, criminal or medical histories, social security number, and other information, *see, e.g., United States Dep't of State v. Wash. Post Co.*, 456 U.S. 595, 600 (1982), but agencies can protect those interests by redacting personally identifying information. *See Dep't of the Air Force v. Rose*, 425 U.S. 352, 381-82 (1976). Agencies that completely withhold agency records under Exemption 6 undermine the intent that FOIA be practical. *Id.* Agencies may only completely withhold requested records when a request is so narrow (e.g., limited to a single person or file), that redaction would be a "pointless exercise." *Hunt v. FBI*, 972 F.2d 286, 288 (9th Cir. 1992).

USAFA withheld all information responsive to items 3-8 of MRFF's request. This decision is confounding, as it directly violates the strong presumption that agency information requested by the public be disclosed under Exemption 6. Even if some of the responsive documents contain personally identifying information that pose the risk of a clearly unwarranted

¹ USAFA has similarly ignored other MRFF FOIA requests well beyond the statutory response deadline. For example, MRFF filed a FOIA request on November 27, 2013 requesting records relating to the hire of Dr. Michael Rosebush. USAFA contacted MRFF the same day to assign Case Number 2014-01202-F to the request. No further response was received until February 18, 2015—305 working days after the request was filed. Despite the hundreds of working days that had lapsed, USAFA did not produce documents or even state whether it would produce documents. Rather, USAFA called merely to inquire whether MRFF still wanted USAFA to respond to its request—a curious inquiry that was likely a tacit recognition that USAFA's pattern of delay may have rendered the information irrelevant. MRFF confirmed that it would still like a response. MRFF is still awaiting that response.

JONES DAY

Office of the Secretary of the Air Force
March 6, 2015
Page 4

invasion of the subjects' privacy, USAFA should not withhold over 3,000 pages of responsive documents. Because the request is not limited to a single individual or incident, but rather applies to many persons (and one dog) — the vast majority of whom are officers and/or directors of MRFF, redaction is sufficient to protect against any clearly unwarranted invasion of privacy. Accordingly, USAFA should be required to produce appropriately redacted documents forthwith.²

* * *

In light of USAFA's egregious pattern and practice of delays outlined above, and its inappropriate application of Exemption 6, MRFF demands that USAFA reverse its decision to deny MRFF's FOIA request and release all relevant information immediately. As always, please do not hesitate to contact me should you have any questions. I may be reached by phone at (415) 875-5860 or by email at aamiri@JonesDay.com. Thank you for your attention to this matter.

Sincerely,



Amir Q. Amiri

Attachments

SFI-620899151

² If USAFA requires releases from the named MRFF officers and directors listed in the relevant requests, please advise so that they may direct affidavits to your attention. Because the documents pertaining to these individuals have already been collected and reviewed, we expect USAFA to release the documents immediately upon receiving the necessary releases.

EXHIBIT A



Re: FOIA Requests
Michael R McLively to: USAFA FOIA
35772
Cc: Amir Amiri

01/17/2013 01:49 PM

Dear Mr. Springs,

I am writing you to let you know that I will no longer be with Jones Day as of next Tuesday, January 22. I e-mailed you last month regarding the status of the attached FOIA request made on behalf of our client, the Military Religious Freedom Foundation, but I do not believe I have had any response from you. To refresh your recollection, USAFA provided an interim response to this request in May, 2012, but we are still awaiting the remainder of the response. Please contact my colleague Amir Amiri (who is copied on this e-mail) regarding this matter. Ideally we would like to receive an ETA as to when we can expect completion of this FOIA request which was originally made in August, 2011. There has been ample time to respond, so we would appreciate if you could give your attention to this matter and wrap it up as expeditiously as possible.

Thank you very much.

Sincerely,

Michael R. McLively



FOIA Response Part 1 Pages 1-50.pdf 709628_2.pdf

Associate
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
mrmclively@jonesday.com
(415) 875-5772 (direct)
(415) 875-5700 (fax)

| | | |
|------------|--|------------------------|
| USAFA FOIA | Good Morning Mr. McLively, I would like to take t... | 11/29/2012 09:06:22 AM |
| From: | USAFA FOIA <usafa.foia@us.af.mil> | |
| To: | "mrmclively@jonesday.com" <mrmclively@jonesday.com> | |
| Date: | 11/29/2012 09:06 AM | |
| Subject: | FOIA Requests | |

Good Morning Mr. McLively,

I would like to take this opportunity to introduce myself. I am Charles Springs, the new FOIA Officer for the United States Air Force Academy. My goal as the new FOIA Officer is to provide you with the best service we can offer. To assist me with serving you, I am requesting your assistance to answer any questions pertaining to cases you may have submitted with this office. My records indicate that you have three FOIA requests to this office. I have no way of knowing if you have been serviced or not therefore, I am asking if you have received anything pertaining to your cases. If you have, I will take this opportunity to administratively close those cases. If not, I apologize in advance for any inconvenience

you may have received. I am also requesting you to withdraw any previous request and resubmit them with me so I can be certain I have your requests to give me the opportunity to process them properly. You can send those requests to this email address if you like to ensure I receive them or you can resubmit them through the Air Force's site <https://www.efoia.af.mil/palMain.aspx>.

If you find this to be acceptable please respond to this email no later than 30 Nov 12 so I can immediately get started on working your requests. I can be reached at 719-333-6231 if you have further questions or concerns. Thank you for your time and have a wonderful day.

Sincerely,

Charles M. Springs
FOIA Officer, United
States Air Force Academy

=====

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

=====

From: [Amber Fayerberg](#)
To: [Ida Marie Nunez](#)
Cc: [Vincent J. Ward](#)
Subject: FW: FOIA Case 2011-06546-F/2013-01717-F
Date: Wednesday, October 28, 2015 2:22:12 PM
Importance: High

From: USAFA FOIA <usafa.foia@us.af.mil>
Subject: FOIA Case 2011-06546-F/2013-01717-F
Date: August 5, 2015 at 12:19:53 PM MDT
To: "mikey@militaryreligiousfreedom.org" <mikey@militaryreligiousfreedom.org>

Good Day Mr. Weinstein,

This notice is to confirm that you gave the U.S. Air Force Academy's FOIA Office permission, by telephone conversation, to release remaining documents to FOIA Case 2013-01717-F to R. David Mullin, Military Religious Freedom Foundation's FOIA Director with estimated completion date of 15 September 2015. Please confirm in writing.

//SIGNED//

CHARLES M. SPRINGS
Chief FOIA Officer
U.S. Air Force Academy

From: [Ida Marie Nunez](#)
To: [Ida Marie Nunez](#)
Subject: FW: FOIA Case 2011-06546-F/2013-01717-F
Date: Thursday, November 05, 2015 11:35:39 AM

On Sep 15, 2015, at 12:58 PM, USAFA FOIA
<usafa.foia@us.af.mil<javascript:;>> wrote:

The U.S. Air Force Academy is continuing to process your request.

The case is not complete because the records you sought are voluminous and complicated. We will continue to work the case diligently and continue to provide incremental releases.

In addition, we will provide monthly status until case completion.

Respectfully,

Charles M. Springs
Chief FOIA Officer, USAFA

-----Original Message-----

From: Ronald Mullin [<mailto:rmullin@uccs.edu><javascript:;>]
Sent: Tuesday, September 15, 2015 10:21 AM
To: USAFA FOIA
Cc: mikey@militaryreligiousfreedom.org<javascript:;>

Subject: RE: FOIA Case 2011-06546-F/2013-01717-F

Importance: High

Hello Mr. Springs,

You have told both Mr. Weinstein and me that FOIA Case 2011-06546-F/2013-01717-F would be fulfilled no later than today.

Please

advise me on the status of this request.

You may reach me at

719.425.0833

Sincerely,

R. David Mullin PhD CPA

From: David Mullin [rdmullin@msn.com<javascript:;>]

Sent: Tuesday, September 15, 2015 9:55 AM

To: Ronald Mullin

Subject: FW: FOIA Case 2011-06546-F/2013-01717-F

Subject: Re: FOIA Case 2011-06546-F/2013-01717-F

From: mikey@militaryreligiousfreedom.org<javascript:;>

Date: Wed, 5 Aug 2015 12:23:35 -0600

CC: rdmullin@msn.com<javascript:;>;

tobanna@militaryreligiousfreedom.org<javascript:;>;

mikey@militaryreligiousfreedom.org<javascript:;>

To: usafa.foia@us.af.mil<javascript:;>

..by this very e-mail, the below is fully confirmed..copy and acknowledged?...

On Aug 5, 2015, at 12:19 PM, USAFA FOIA
<usafa.foia@us.af.mil<javascript:;>> wrote:

Good Day Mr. Weinstein,

This notice is to confirm that you gave the U.S. Air Force Academy's FOIA Office permission, by telephone conversation, to release remaining documents to FOIA Case 2013-01717-F to R. David Mullin, Military Religious Freedom Foundation's FOIA Director with estimated completion date of 15 September 2015. Please confirm in writing.

//SIGNED//

CHARLES M. SPRINGS
Chief FOIA Officer
U.S. Air Force Academy