



Chaim Mandelbaum &lt;chaim12@gmail.com&gt;

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**Fwd: EELI production letter**

1 message

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**Chaim Mandelbaum** <chaim12@gmail.com>  
Reply-To: chaim12@gmail.com  
To: Chaim Mandelbaum <chaim12@gmail.com>

Mon, Nov 27, 2017 at 4:20 PM

From: **Walker, Johnny (USADC)** <Johnny.Walker@usdoj.gov>  
Date: Wed, Nov 22, 2017 at 1:17 PM  
Subject: RE: EELI production letter  
To: "chaim12@gmail.com" <chaim12@gmail.com>

Chaim,

In response to the questions in your October 23, 2017, email below, the EPA provides the following information.

Document 41: The original redaction was inadvertent, and that is why the original redaction did not cite a FOIA Exemption. EPA is now releasing the email in full.

Document 459: EPA is making a discretionary release of some content originally withheld under Exemption 5's Deliberative Process Privilege (middle of page one: "Hello Mary..."). The remaining redaction is made under Exemption 5's Deliberative Process Privilege. The redacted content is an email in which Vince Cogliano asks for Mary Ross's opinion and shares his own opinion with Mary Ross. The redacted content contains phrases such as "the question would be", "I don't think" and "it might be". The redacted content is internal to EPA, predecisional, and deliberative.

Document 778: EPA is making a discretionary release of the content originally withheld under Exemption 5's Deliberative Process Privilege. This is the same content released in Document 459 (in Doc 778, see the top of page one: "Hello Mary...").

I hope these responses resolve all of Plaintiff's issues. Please let me know if Plaintiff is now willing to stipulate to the dismissal of this case.

Thanks.

Johnny

On Nov 14, 2017 12:11 PM, "Walker, Johnny (USADC)" <Johnny.Walker@usdoj.gov> wrote:

Chaim,

The EPA is in the process of responding to the questions you posed, but some of those responses need the input of two senior officials, one of whom is out of the country until later this week. The EPA would therefore like to extend the stay for another 15 days to allow time for this process to be completed. Will Plaintiff consent to that?

Johnny

**From:** Chaim Mandelbaum [mailto:[chaim12@gmail.com](mailto:chaim12@gmail.com)]  
**Sent:** Monday, October 30, 2017 1:32 PM  
**To:** Walker, Johnny (USADC) <[JWalker3@usa.doj.gov](mailto:JWalker3@usa.doj.gov)>  
**Subject:** Re: EELI production letter

On Tue, Oct 24, 2017 at 9:03 AM, Walker, Johnny (USADC) <[Johnny.Walker@usdoj.gov](mailto:Johnny.Walker@usdoj.gov)> wrote:

Thanks. EPA is looking into these issues today.

**From:** Chaim Mandelbaum [mailto:[chaim12@gmail.com](mailto:chaim12@gmail.com)]  
**Sent:** Monday, October 23, 2017 5:24 PM  
**To:** Walker, Johnny (USADC) <[JWalker3@usa.doj.gov](mailto:JWalker3@usa.doj.gov)>  
**Subject:** Re: EELI production letter

Johnny,

My clients had reviewed the documents and they only had a few quick concerns about redaction's. On page 40 of the production the entire page is redacted with no explanation given. Then on page 449, two brief parts of emails are redacted as b5: deliberative process. This same material is repeated on page 778. However this material appears to be a agency decision on providing support at the request of an employee of the California Office of Environmental Health Hazard Assessment. As a result I was hoping more context could be offered as to why it is considered exempt. There are no other concerns with the production. If we can clear these up I believe we can settle this.

Thanks

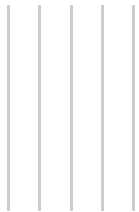
Chaim

**Chaim Mandelbaum**

Attorney-at-Law

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**3 attachments**

 **EPAHQ\_0000041.pdf**  
53K

 **EPAHQ\_0000459.pdf**  
110K

 **EPAHQ\_0000778.pdf**  
57K