Bogomolny, Michael (Federal)

From:	Bogomolny, Michael (Federal)
Sent:	Friday, August 24, 2018 1:52 AM
To:	Lynch, Charles (Federal); Graff, Mark (Federal); Parsons, Bobbie (Federal); Uthmeier, James (Federal); Toland, Michael (Federal)
Cc:	Chung, Jennifer (Federal)
Subject:	FW: NRDC v. Commerce
Attachments:	RE: summer flounder settlement?; summer flounder wrap-up?; Settlement offer.pdf; Attachment A - Timesheet.pdf

FYI –

[redacted]
(b)(5)
[redacted]

[redacted]
(b)(5)
[redacted]

[redacted]
(b)(5)
[redacted]

-bogo

From: Bogomolny, Michael (Federal)
Sent: Friday, August 24, 2018 1:30 AM
To: Chung, Jennifer (Federal) <JChung@doc.gov>
Subject: FW: NRDC v. Commerce

For your reference. [redacted]
(b)(5)
[redacted]

[redacted]
(b)(5)
[redacted]

[redacted]
(b)(5)

(b)(5)

-bogo

From: Jude, Jennifer (USANYS) <Jennifer.Jude@usdoj.gov>
Sent: Thursday, August 23, 2018 10:23 AM
To: Bogomolny, Michael (Federal) <MBogomolny@doc.gov>
Subject: RE: NRDC v. Commerce

Hi bogo,

(b)(5)

Thanks,
Jen

From: Bogomolny, Michael (Federal) <MBogomolny@doc.gov>
Sent: Thursday, August 09, 2018 2:37 PM
To: Jude, Jennifer (USANYS) <JJude@usa.doj.gov>
Subject: RE: NRDC v. Commerce

Jennifer,

Just thought I'd touch base with you on this. Any developments in the last month?

-bogo

From: Bogomolny, Michael (Federal)
Sent: Wednesday, July 11, 2018 9:23 AM
To: 'Jude, Jennifer (USANYS)' <Jennifer.Jude@usdoj.gov>
Subject: RE: NRDC v. Commerce

Jennifer,

Recall that

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-bogo

From: Jude, Jennifer (USANYS) [mailto:Jennifer.Jude@usdoj.gov]
Sent: Tuesday, July 10, 2018 6:33 PM
To: Bogomolny, Michael (Federal) <MBogomolny@doc.gov>
Subject: RE: NRDC v. Commerce

(b)(5)

From: Bogomolny, Michael (Federal) <MBogomolny@doc.gov>
Sent: Tuesday, July 10, 2018 5:38 PM
To: Jude, Jennifer (USANYS) <JJude@usa.doj.gov>
Subject: RE: NRDC v. Commerce

(b)(5)

-bogo

From: Jude, Jennifer (USANYS) [mailto:Jennifer.Jude@usdoj.gov]
Sent: Tuesday, July 10, 2018 5:13 PM
To: Bogomolny, Michael (Federal) <MBogomolny@doc.gov>
Subject: FW: NRDC v. Commerce

Bogo,

(b)(5)

Best,
Jen

From: Daniel Carpenter-Gold <dgold@nrdc.org>
Sent: Tuesday, July 10, 2018 4:44 PM
To: Jude, Jennifer (USANYS) <JJude@usa.doj.gov>
Subject: RE: NRDC v. Commerce

Hello Jen,

Please find attached NRDC's opening offer to settle our claim for attorneys' fees and costs, with one attachment.

Best,

Daniel

From: Jude, Jennifer (USANYS) [mailto:Jennifer.Jude@usdoj.gov]
Sent: Wednesday, June 27, 2018 7:11 PM
To: Daniel Carpenter-Gold <dgold@nrdc.org>
Subject: RE: NRDC v. Commerce

Hi Daniel,

How do you anticipate trying to resolve the attorneys' fees issue in this case? Does NRDC plan to make an opening offer or do you have something else in mind?

Best,
Jen

From: Daniel Carpenter-Gold <dgold@nrdc.org>
Sent: Thursday, June 21, 2018 5:47 PM
To: Jude, Jennifer (USANYS) <JJude@usa.doj.gov>
Subject: RE: NRDC v. Commerce

Thanks for reviewing this. This looks fine to me; I'm going to do a final proof tomorrow and file. I'll let you know if I have any non-proofing changes.

From: Jude, Jennifer (USANYS) [mailto:Jennifer.Jude@usdoj.gov]
Sent: Thursday, June 21, 2018 4:29 PM
To: Daniel Carpenter-Gold <dgold@nrdc.org>
Subject: RE: NRDC v. Commerce

Here are revised drafts of the letter and CMP. The only change I made to the CMP was removing the "s" from "changes" in paragraph 17. Let me know what you think!

From: Daniel Carpenter-Gold <dgold@nrdc.org>
Sent: Thursday, June 21, 2018 4:05 PM
To: Jude, Jennifer (USANYS) <JJude@usa.doj.gov>
Subject: RE: NRDC v. Commerce

Hi Jen—any thoughts on this? It'd be great to get any big-picture issues out of the way today so we can file easily tomorrow.

From: Daniel Carpenter-Gold
Sent: Thursday, June 21, 2018 12:32 PM
To: Jude, Jennifer (USANYS) <Jennifer.Jude@usdoj.gov>
Subject: RE: NRDC v. Commerce

Thanks for sending this.

Commerce has sent to us all the documents it found to be responsive to our request, right? I only ask because we have received "interim" and "additional" productions, but no response that has been labeled a "final" production and no representation that all responsive documents identified by Commerce have been produced.

Also, I'm attaching the proposed letter and case-management plan for your review. I've highlighted the specific areas

in the letter where I thought we should confer. I've also bracketed two alternative closing paragraphs; if you answer the above question in the affirmative, we can use the first, which says that the only remaining issue is attorneys' fees.

From: Jude, Jennifer (USANYS) [mailto:Jennifer.Jude@usdoj.gov]
Sent: Thursday, June 21, 2018 12:08 PM
To: Daniel Carpenter-Gold <dgold@nrdc.org>
Subject: NRDC v. Commerce

Daniel,

Below are responses to the three follow-up questions you asked during our call last week about Commerce's search for responsive records within the Office of the Secretary.

1. The search terms used for the search of the Secretary's email and shared drive were "Atlantic Coastal Fisheries Cooperative Management Act," ACFCMA, "Summer Flounder," "New Jersey Recreational Season," Flounder, and Fluke.
2. Commerce believes that the search it performed of the three offices within the Office of the Secretary was (along with its search of NOAA records) reasonably calculated to uncover all documents responsive to your FOIA request. A review of the documents produced has not suggested to Commerce that there are other offices that would be reasonably expected to have additional responsive documents. Should NRDC believe that there are other offices within the Office of the Secretary that might be reasonably expected to have additional responsive documents, Commerce is happy to listen and discuss further.
3. The date of the draft document that was Bates-stamped NRDC-DOC-SF-355 to -358 is July 10, 2017.

Best,
Jen

Jennifer Jude
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
86 Chambers Street, 3rd floor
New York, NY 10007
Tel. 212-637-2663
Fax 212-637-2686