Morris, Alexander

From: Byrd, LaShawn
Sent: Monday, January 12, 2009 11:14 AM
To: Morris, Alexander
Subject: FW: FOIA Request Re: Battelle Litigation Costs Paid by DOE [Update of Request Sent January 2007 to Abel Lopez] B

Attachments: ORO-DOE-LitCosts-2005-2006.pdf

ORO-DOE-LitCosts-2005-2006.pdf...

JAN 1 2 2009 04

"COMMERCIAL" SEARCH, REVIEW & REPRODUCTION

C.L. Byrd :-)

-----Original Message-----
From: Philip Pulver
Sent: Monday, January 12, 2009 11:13 AM
To: Byrd, LaShawn
Cc: Gatlin, Verlette
Subject: Fw: FOIA Request Re: Battelle Litigation Costs Paid by DOE [Update of Request Sent January 2007 to Abel Lopez] B

----- Original Message -----
From: Philip Pulver
To: lashawn.byrd@hq.doe.gov
Cc: verlette.gatlin@hq.doe.gov
Sent: Sunday, January 11, 2009 7:53 AM
Subject: FOIA Request Re: Battelle Litigation Costs Paid by DOE [Update of Request Sent January 2007 to Abel Lopez] B

Lashawn,

Please route the FOIA request below to Alexander Morris and/or other appropriate FOIA staff for processing.

Attached is a responsive document to my similar request of two years ago. This might be helpful in locating the requested information.

Thanks so much.

Philip Pulver

==========FOIA Reqeust==========

FOIA-2009-00024

To DOE:

Per the Freedom of Information and Privacy Act, I am requesting that the Dept. of Energy provide information regarding the actual dollar amounts that DOE [and other agencies] have incurred for reimbursing Battelle's litigation costs in the Federal Case CV-05-5028-RHW [Pulver v. Battelle] from January 1, 2007 through December 31, 2008.

Taxpayer-funded accounts that reimbursed [or otherwise paid] Battelle's legal costs include but may not be limited to DOE-PNNL overhead, Office of Science or other DOE programs, and/or other Federal Government-funded programs. Specifically, the taxpayer-funded reimbursement for each category of litigation costs below [for case cited above] is requested.

(1) Cost of Battelle's Outside Counsel - This includes but isn't limited to the following: total hourly fees that Delbert Miller and other external attorneys billed Battelle for legal services; travel, lodging and meal expenses; costs of outside and/or inside experts and/or consultants or attorneys utilized by Miller's law firm(s) or Battelle directly; and all other outside counsel lawsuit-related costs that DOE or other Federal agencies have reimbursed or directly paid for this Federal case. The taxpayer-funded work package number[s], by quarter [or month preferably], that funded Battelle's costs of outside counsel are also requested.

(2) Battelle Internal Case-Related Costs - This includes but isn't limited to the following case-related activities: staff time for document review and processing, duplication, declarations [writing and/or preparation] and internal and off-site meetings; depositions; equipment, computing, and materials charges; travel, lodging and meal expenses; and all other internal litigation costs pertaining to the case. Battelle staff that charged to taxpayer-funded accounts likely include but not limited to the following individuals: Kevin E. Dorow, James F. Jackson, Gary B. Morgan, R. Michael Schwenk, Seven V. Shoemaker, Gary E. Spanner, and Rob McKenna.

For certain staff [Dorow, Jackson & McKenna], I request those timecards with work package funding numbers used for the Pulver litigation costs from 2005-2008; this information is readily accessible because PNNL software can run such reports.

(3) Summary of Total Costs from 2005 through 2008 - This request is for an update to the attached file that was responsive to some of my FOIA requests submitted in January 2007 to Abel Lopez. If it's quicker to first provide an updated version of the 2005-2006 data from ORO, please send this ahead of items (1) and (2) above.

Note: This information is most likely to be found in the following DOE organizations: PNNL, Oak Ridge Operations [ORO], Office of Science [SC], and/or the local site office [PNSO], The attached ORO letter was responsive document to my similar FOIA request for 2006 litigation expenses but had far less detail than is being requested in this current request [1& 2 above].

Please contact me if the cost for processing this FOIA request will exceed $30 or if you have any other questions.

Please expedite this request. If you have any questions, please contact me. Thank you.

Philip Pulver
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