



August 2, 2013

**VIA FAX AND E-MAIL**

Ayesha Abbasi  
FOIA Officer  
Office of the Deputy Mayor for Planning and Economic Development  
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Washington, D.C. 20004  
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**RE: Freedom of Information Act Request**

Dear Ms. Abbasi:

Pursuant to the District of Columbia Freedom of Information Act (FOIA), D.C. Code §§ 531-539, Cause of Action hereby requests access to the following records within fifteen (15) business days:

1. All communications, including e-mails, letters, faxes or any other records, between Alex Nyhan and any employee, agent, contractor, consultant or lobbyist of Forest City Washington (FCW) or Forest City Enterprises (FCE) from April 5, 2004 to January 12, 2006; and
2. All communications, including e-mails, letters, faxes or any other records, between Konrad Schlater and any employee, agent, contractor, consultant or lobbyist of FCW or FCE from April 5, 2004 to December 31, 2005,<sup>1</sup> and from January 1, 2007 to October 1, 2008.<sup>1</sup>

**Request for News Media Status**

For fee purposes, Cause of Action qualifies as a “representative of the news media” pursuant to D.C. Code § 2-532(b-1)(2). Cause of Action is organized and operated, *inter alia*, to publish and broadcast news, *i.e.*, information that is about current events or that would be of current interest to the public. Cause of Action gleans the information that it regularly publishes from a wide variety of sources and methods, including whistleblowers, FOIA requests, government agencies, universities, and scholarly works.

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<sup>1</sup> The lobbyists who may have communicated with Alex Nyhan and Konrad Schlater during the relevant period include, but are not limited to, Max Brown, Jon Bouker, Craig Engle, and Richard Newman.

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Cause of Action routinely and systematically disseminates information to the public through various medium forms. Cause of Action maintains a frequently visited website, [www.causeofaction.org](http://www.causeofaction.org), where it distribute its articles, blog posts, published reports, and newsletters, all of which address current events that are of interest to the general public. Since September 2011, Cause of Action has published an e-mail newsletter that provides subscribers with regular updates regarding Cause of Action's activities and information the organization has received from various government entities. Cause of Action produces another newsletter titled "Agency Check," which informs interested persons about actions of federal agencies, and another periodical, "Cause of Action News."<sup>2</sup> Finally, Cause of Action also disseminates its information via Twitter and Facebook. These activities are hallmarks of publishing, news and journalism. As a result, government agencies have continually recognized Cause of Action as a representative of the media in connection with its FOIA requests.<sup>3</sup>

Further, Cause of Action is a nonprofit organization as defined under Section 501(c)(3) of the Internal Revenue Code and does not seek this information to benefit commercially. In light of the foregoing, any fees associated with this request should be limited to reasonable duplication charges.

#### **Production of Information and Contact Information**

In an effort to facilitate record production and to minimize duplication charges, Cause of Action requests that the responsive records be produced in electronic format (*e.g.*, e-mail, .pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions, please contact me by e-mail at [Allan.Blutstein@causeofaction.org](mailto:Allan.Blutstein@causeofaction.org) or by phone at (202) 499-4232. Thank you for your attention to this matter.



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ALLAN BLUTSTEIN  
SENIOR COUNSEL

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<sup>2</sup> Newsletters, Cause of Action, available at <http://causeofaction.org/newsletters/>.

<sup>3</sup> *See, e.g.*, FOIA Request HQ-2013-01234-F, Dep't of Energy (July 1, 2013); FOIA Request 2013-145F, Consumer Fin. Prot. Bureau (May 29, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); Dep't of Commerce (Mar. 1, 2012); FOIA Request No. 12-00455-F, Dep't of Educ. (Jan. 20, 2012).