

Other Documents

3:11-cv-01458-AC Lewis v.
Federal Aviation Administration et
al

CONSENT

ROD 7-28-12
CR-40

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered by Danielson, Kevin on 7/27/2012 at 11:30 AM PDT and filed on 7/27/2012

Case Name: Lewis v. Federal Aviation Administration et al

Case Number: 3:11-cv-01458-AC

Filer: Federal Aviation Administration

Document Number: 40

Docket Text:

Stipulation re Motion for Summary Judgment [28] Defendant FAA's Stipulation Regarding Its Motion for Summary Judgment by Federal Aviation Administration. Filed by Federal Aviation Administration. (Danielson, Kevin)

3:11-cv-01458-AC Notice has been electronically mailed to:

Kevin C. Danielson kevin.c.danielson@usdoj.gov, deanne.hoffer@usdoj.gov,
Richard.Saltsman@faa.gov

3:11-cv-01458-AC Notice will not be electronically mailed to:

Jeffrey Nathan Lewis
28242 S. Salo Road
Mulino, OR 97042

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/27/2012] [FileNumber=4073353-0] [576688d145a8c94ed703e9aab85eef130526f8c19ecf9611071821ab4e1c03145f03540e6fa4a7f5d55cd6b4113c4006bbde317c4c1347eac87278a3883a1a1e]]

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

JEFFREY NATHAN LEWIS,

Civil No. 3:11-CV-1458-AC

Plaintiff,

v.

**DEFENDANT FAA'S STIPULATION
REGARDING ITS MOTION FOR
SUMMARY JUDGMENT**

**FEDERAL AVIATION
ADMINISTRATION,**

Defendants.

Defendant Federal Aviation Administration (“FAA”), by S. Amanda Marshall, United States Attorney for the District of Oregon, through Assistant U.S. Attorney Kevin Danielson, submits the following stipulation regarding its motion for summary judgment.

Plaintiff Jeffrey Lewis characterized his “pay-to-play” claim as follows:

That FOIA request is not processed until it is ‘perfected,’ which requires, among other things a fee agreement from the requestor. If a FOIA request is not perfected, by virtue of the fact that the requestor has failed to agree to the fees offered by FOIA officials, the request is not processed and declared closed. In the ‘pay-to-play’ tactic, an official quotes an exorbitant fee agreement, and the requestor is unwilling (or quite possibly unable) to pay.

Amended Complaint, CR 19, ¶ 6.

In FAA’s Reply Brief, the FAA characterized Plaintiff Jeffrey Nathan Lewis’s “pay-to-play” claim as one in which the FAA withheld information under FOIA “because it required him to pay exorbitant fees before it would release the information.” CR 39, p. 2. The FAA also argued that Mr. Lewis “failed to exhaust his administrative remedies by failing to pay the required search fees. . .” CR 39, p. 7.

Mr. Lewis contacted counsel for the FAA and explained there is a distinction between failing to pay a search fee and refusing to agree to pay a search fee. Mr. Lewis’s stated concern was that the issue was not whether he paid the search fee but whether he had accepted the fee agreement. Mr. Lewis has reviewed and approved this stipulation prior to it being filed.

The FAA stipulates that Mr. Lewis never agreed to pay the estimated fees for processing FOIA Requests No. No. 2010-3323, No. 2010-4091, No. 2010-5324, and No. 2011-6114. Declaration of Jeb Kreischer, CR 30, ¶¶ 9-11, 13.

Respectfully submitted this 27th day of July 2012.

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/ Kevin C. Danielson
KEVIN DANIELSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of **DEFENDANT FAA'S STIPULATION REGARDING ITS MOTION FOR SUMMARY JUDGMENT** was sent by first-class mail and deposited in the United States Mail at Portland, Oregon, on July 27, 2012, addressed to:

Jeffrey Nathan Lewis
28242 S. Salo Road
Mulino, OR 97042

Plaintiff, *Pro Se*

/s/ Deanne Bateson
DEANNE BATESON
Legal Assistant

CERTIFICATE OF SERVICE