

**From:** Bridges, Gregory - AMS  
**To:** [Sachnoff, Lee E.](#)  
**Subject:** Record Sample 4  
**Date:** Thursday, May 05, 2016 4:47:00 PM  
**Attachments:** [601-610.pdf](#)  
[752-1000.pdf](#)

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Mr. Sachnoff:

Attached is the 4<sup>th</sup> in a series emails that will be sent to you. These emails are the record set that will be discussed in our Monday teleconference.

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

**From:** Bridges, Gregory - AMS  
**To:** [Sachnoff, Lee F.](#)  
**Subject:** Sample Record Set 2  
**Date:** Thursday, May 05, 2016 4:43:00 PM  
**Attachments:** [51-100.pdf](#)

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Mr. Sachnoff:

Attached is the 2nd in a series emails that will be sent to you. These emails are the record set that will be discussed in our Monday teleconference.

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

**From:** Bridges, Gregory - AMS  
**To:** [Sachnoff, Lee E.](#)  
**Subject:** Sample Record Set 3  
**Date:** Thursday, May 05, 2016 4:44:00 PM  
**Attachments:** [535-787.pdf](#)  
[210-224.pdf](#)

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Mr. Sachnoff:

Attached is the 3rd in a series emails that will be sent to you. These emails are the record set that will be discussed in our Monday teleconference.

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

**From:** Bridges, Gregory - AMS  
**To:** [Sachnoff, Lee F.](#)  
**Subject:** Sample Record Set 5  
**Date:** Thursday, May 05, 2016 4:48:00 PM  
**Attachments:** [993-1000.pdf](#)  
[1004 - 1161.pdf](#)

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Mr. Sachnoff:

This is the 5th in a series emails that will be sent to you. These emails are the record set that will be discussed in our Monday teleconference.

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

**From:** Bridges, Gregory - AMS  
**To:** [Sachnoff, Lee E.](#)  
**Subject:** Sample Record Set 6 (FINAL)  
**Date:** Thursday, May 05, 2016 4:51:00 PM  
**Attachments:** [230-289.pdf](#)

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Mr. Sachnoff:

This is the final in series emails that will be sent to you. These emails are the record set that will be discussed in our Monday teleconference.

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

**From:** Bridges, Gregory - AMS  
**To:** [Sachnoff, Lee F.](#)  
**Subject:** Sample Record Set  
**Date:** Thursday, May 05, 2016 4:41:00 PM  
**Attachments:** [1-50.pdf](#)

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Mr. Sachnoff:

Attached is the first in a series emails that will be sent to you. These emails are the record set that will be discussed in our Monday teleconference.

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250



**STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202**

March 21, 2016

In reply, please refer to:  
2013-AMS-01201-F  
EO12600 Response

Lee F. Sachoff  
Kutak Rock LLP  
1801 California Street  
Suite 300  
Denver, CO 80202

Dear Mr. Sachoff:

This letter serves as a notice to Aurora Dairy that Freedom of Information Act Request 2013-AMS-01201-F (copy enclosed) is contested in a litigation filed by *The Cornucopia Institute v. U.S. Department of Agriculture (USDA)*, Case No. 16-cv-148-RC (D.D.C). The Cornucopia Institute ("Plaintiff") requested certain information concerning your facility from the USDA, Agricultural Marketing Service ("AMS").

On March 7, 2016, we received a Freedom of Information Act ("FOIA") request, FOIA 2013-AMS-01201-F, from Plaintiff seeking:

[I]nformation regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP [National Organic Program] Compliance and Enforcement Division, and [AMS] Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations [sic]...

...Cornucopia is requesting, in particular, copies of all correspondence, discussion notes, documents, phone logs and background materials related to the planning for said visits, actual visits to the Texas and New Mexico organic dairies in 2012, any follow-up correspondence or documents and subsequent actions and/or activities that transpired following the visits (including any enforcement actions by the NOP or accredited certification agencies).

On or about January 29, 2016, Plaintiff filed the above-referenced lawsuit in order to gain access to this information. Information submitted by your organization is among the records requested by Plaintiff. A review of the enclosed records reveals that the records may contain confidential commercial or business information ("CBI") within the meaning of FOIA Exemption 4, 5 U.S.C. 552(b)(4). Exemption 4 protects from public disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential. In order to protect the information, AMS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity.

Next AMS must establish that the information is “confidential,” which typically means that release of the information would cause substantial competitive harm to the submitter. In order to establish substantial competitive harm, AMS must identify the competition in the relevant market. Accordingly, FOIA Exemption 4 permits agencies to withhold CBI, the disclosure of which is likely to cause substantial competitive harm.

Whenever AMS cannot readily determine whether responsive records contain CBI, the agency must obtain and consider the views of the organization that submitted the information. See Executive Order 12,600 (copy enclosed) and 7 C.F.R. § 1.12. In addition, the agency must provide the organization with an opportunity to object to any decision to disclose the information. *Id.* Congruous with this direction, for Aurora Dairy’s review, my office is enclosing 1,384 pages of records potentially responsive to FOIA 2013-AMS-01201-F that may contain Aurora Dairy’s information protected from disclosure as CBI.

In reviewing the enclosed records, please highlight information you believe is Aurora Dairy’s CBI and prepare a detailed, written justification to support protection of the designated information as CBI. The business submitter must explain fully all grounds upon which disclosure is opposed; specifically, a business submitter must explain item-by-item why disclosure would cause substantial harm to its competitive position. Also, enclosed is a copy of our Instructions for CBI Justification.

Please note that when documents contain information that qualifies as exempt from disclosure, the entire document is not necessarily exempt. The FOIA specifically provides that any reasonably segregable portions of a document must be provided to a requester after deletion of the portions that are exempt. For that reason, please specifically indicate which portions of the records that you believe contain CBI. Please be aware that comments provided by your organization in response to this letter may be subject to disclosure under FOIA.

We appreciate receiving your response to this notice no later than 12pm on April 18, 2016. Please be advised that AMS will be operating under strict time constraints due to this litigation. If your organization does not object to disclosure of this information, please notify AMS of this position in writing. Any comments should be sent by mail or to Mr. Gregory Bridges at:

Gregory Bridges  
Agricultural Marketing Service - FOIA Officer  
1400 Independence Avenue, SW  
South Building, Rm. 3943-S, Stop 0202  
Washington, DC 20250-0273  
Attn: FOIA 2013-AMS-01201-F (EO12600 Response)  
Email: [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

If your organization objects to the release of the information, AMS will consider your response carefully in making a final determination. Should AMS decide to release any of the information, we will advise you in writing before such disclosure takes place in order to provide your organization with an opportunity to seek judicial intervention. If you have any questions please contact me at 202-720-2498, or electronically at [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov).



Sincerely,

A black and white image of a handwritten signature, which appears to read "Gregory Bridges", written in a cursive style on a dark background.

Gregory Bridges  
FOIA Officer  
USDA, Agriculture Marketing Service

Enclosures:

1. Copy of FOIA Request
2. Responsive Records
3. Executive Order (E.O.) 12600
4. Instructions for CBI Justification



**STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202**

March 21, 2016

In reply, please refer to:  
2013-AMS-01201-F  
EO12600 Response

Jim Black  
Boehing Dairy Farm  
690 County Road 45  
Earth, TX 79031

Dear Mr. Black:

This letter serves as a notice to Boehing Dairy Farm that Freedom of Information Act Request 2013-AMS-01201-F (copy enclosed) is contested in a litigation filed by *The Cornucopia Institute v. U.S. Department of Agriculture (USDA)*, Case No. 16-cv-148-RC (D.D.C). The Cornucopia Institute ("Plaintiff") requested certain information concerning your facility from the USDA, Agricultural Marketing Service ("AMS").

On March 7, 2016, we received a Freedom of Information Act ("FOIA") request, FOIA 2013-AMS-01201-F, from Plaintiff seeking:

[I]nformation regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP [National Organic Program] Compliance and Enforcement Division, and [AMS] Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations [sic]...

...Cornucopia is requesting, in particular, copies of all correspondence, discussion notes, documents, phone logs and background materials related to the planning for said visits, actual visits to the Texas and New Mexico organic dairies in 2012, any follow-up correspondence or documents and subsequent actions and/or activities that transpired following the visits (including any enforcement actions by the NOP or accredited certification agencies).

On or about January 29, 2016, Plaintiff filed the above-referenced lawsuit in order to gain access to this information. Information submitted by your organization is among the records requested by Plaintiff. A review of the enclosed records reveals that the records may contain confidential commercial or business information ("CBI") within the meaning of FOIA Exemption 4, 5 U.S.C. 552(b)(4). Exemption 4 protects from public disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential. In order to protect the information, AMS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity.

Next AMS must establish that the information is "confidential," which typically means that release of the information would cause substantial competitive harm to the submitter. In order to

establish substantial competitive harm, AMS must identify the competition in the relevant market. Accordingly, FOIA Exemption 4 permits agencies to withhold CBI, the disclosure of which is likely to cause substantial competitive harm.

Whenever AMS cannot readily determine whether responsive records contain CBI, the agency must obtain and consider the views of the organization that submitted the information. See Executive Order 12,600 (copy enclosed) and 7 C.F.R. § 1.12. In addition, the agency must provide the organization with an opportunity to object to any decision to disclose the information. *Id.* Congruous with this direction, for Boehing Dairy Farm's review, my office is enclosing 767 pages of records potentially responsive to FOIA 2013-AMS-01201-F that may contain Boehing Dairy Farm's information protected from disclosure as CBI.

In reviewing the enclosed records, please highlight information you believe is Boehing Dairy Farm's CBI and prepare a detailed, written justification to support protection of the designated information as CBI. The business submitter must explain fully all grounds upon which disclosure is opposed; specifically, a business submitter must explain item-by-item why disclosure would cause substantial harm to its competitive position. Also, enclosed is a copy of our Instructions for CBI Justification.

Please note that when documents contain information that qualifies as exempt from disclosure, the entire document is not necessarily exempt. The FOIA specifically provides that any reasonably segregable portions of a document must be provided to a requester after deletion of the portions that are exempt. For that reason, please specifically indicate which portions of the records that you believe contain CBI. Please be aware that comments provided by your organization in response to this letter may be subject to disclosure under FOIA.

We appreciate receiving your response to this notice no later than 12pm on April 18, 2016. Please be advised that AMS will be operating under strict time constraints due to this litigation. If your organization does not object to disclosure of this information, please notify AMS of this position in writing. Any comments should be sent by mail or to Mr. Gregory Bridges at:

Gregory Bridges  
Agricultural Marketing Service - FOIA Officer  
1400 Independence Avenue, SW  
South Building, Rm. 3943-S, Stop 0202  
Washington, DC 20250-0273  
Attn: FOIA 2013-AMS-01201-F (EO12600 Response)  
Email: [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

If your organization objects to the release of the information, AMS will consider your response carefully in making a final determination. Should AMS decide to release any of the information, we will advise you in writing before such disclosure takes place in order to provide your organization with an opportunity to seek judicial intervention. If you have any questions please contact me at 202-720-2498, or electronically at [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory Bridges", is displayed within a rectangular frame.

Gregory Bridges  
FOIA Officer  
USDA, Agriculture Marketing Service

Enclosures:

1. Copy of FOIA Request
2. Responsive Records
3. Executive Order (E.O.) 12600
4. Instructions for CBI Justification



**STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202**

March 21, 2016

In reply, please refer to:  
2013-AMS-01201-F  
EO12600 Response

Jim Black  
Hilltop Dairy, LLC  
690 County Road 45  
Earth, TX 79031

Dear Mr. Black:

This letter serves as a notice to Hilltop Dairy, LLC ("Hilltop Dairy") that Freedom of Information Act Request 2013-AMS-01201-F (copy enclosed) is contested in a litigation filed by *The Cornucopia Institute v. U.S. Department of Agriculture (USDA)*, Case No. 16-cv-148-RC (D.D.C). The Cornucopia Institute ("Plaintiff") requested certain information concerning your facility from the USDA, Agricultural Marketing Service ("AMS").

On March 7, 2016, we received a Freedom of Information Act ("FOIA") request, FOIA 2013-AMS-01201-F, from Plaintiff seeking:

[I]nformation regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP [National Organic Program] Compliance and Enforcement Division, and [AMS] Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations [sic]...

...Cornucopia is requesting, in particular, copies of all correspondence, discussion notes, documents, phone logs and background materials related to the planning for said visits, actual visits to the Texas and New Mexico organic dairies in 2012, any follow-up correspondence or documents and subsequent actions and/or activities that transpired following the visits (including any enforcement actions by the NOP or accredited certification agencies).

On or about January 29, 2016, Plaintiff filed the above-referenced lawsuit in order to gain access to this information. Information submitted by your organization is among the records requested by Plaintiff. A review of the enclosed records reveals that the records may contain confidential commercial or business information ("CBI") within the meaning of FOIA Exemption 4, 5 U.S.C. 552(b)(4). Exemption 4 protects from public disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential. In order to protect the information, AMS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity.

Next AMS must establish that the information is "confidential," which typically means that release of the information would cause substantial competitive harm to the submitter. In order to

establish substantial competitive harm, AMS must identify the competition in the relevant market. Accordingly, FOIA Exemption 4 permits agencies to withhold CBI, the disclosure of which is likely to cause substantial competitive harm.

Whenever AMS cannot readily determine whether responsive records contain CBI, the agency must obtain and consider the views of the organization that submitted the information. See Executive Order 12,600 (copy enclosed) and 7 C.F.R. § 1.12. In addition, the agency must provide the organization with an opportunity to object to any decision to disclose the information. *Id.* Congruous with this direction, for Hilltop Dairy's review, my office is enclosing 264 pages of records potentially responsive to FOIA 2013-AMS-01201-F that may contain Hilltop Dairy's information protected from disclosure as CBI.

In reviewing the enclosed records, please highlight information you believe is Hilltop Dairy's CBI and prepare a detailed, written justification to support protection of the designated information as CBI. The business submitter must explain fully all grounds upon which disclosure is opposed; specifically, a business submitter must explain item-by-item why disclosure would cause substantial harm to its competitive position. Also, enclosed is a copy of our Instructions for CBI Justification.

Please note that when documents contain information that qualifies as exempt from disclosure, the entire document is not necessarily exempt. The FOIA specifically provides that any reasonably segregable portions of a document must be provided to a requester after deletion of the portions that are exempt. For that reason, please specifically indicate which portions of the records that you believe contain CBI. Please be aware that comments provided by your organization in response to this letter may be subject to disclosure under FOIA.

We appreciate receiving your response to this notice no later than 12pm on April 18, 2016. Please be advised that AMS will be operating under strict time constraints due to this litigation. If your organization does not object to disclosure of this information, please notify AMS of this position in writing. Any comments should be sent by mail or to Mr. Gregory Bridges at:

Gregory Bridges  
Agricultural Marketing Service - FOIA Officer  
1400 Independence Avenue, SW  
South Building, Rm. 3943-S, Stop 0202  
Washington, DC 20250-0273  
Attn: FOIA 2013-AMS-01201-F (EO12600 Response)  
Email: [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

If your organization objects to the release of the information, AMS will consider your response carefully in making a final determination. Should AMS decide to release any of the information, we will advise you in writing before such disclosure takes place in order to provide your organization with an opportunity to seek judicial intervention. If you have any questions please contact me at 202-720-2498, or electronically at [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Bridges".

Gregory Bridges  
FOIA Officer  
USDA, Agriculture Marketing Service

Enclosures:

1. Copy of FOIA Request
2. Responsive Records
3. Executive Order (E.O.) 12600
4. Instructions for CBI Justification



**STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202**

March 21, 2016

In reply, please refer to:  
2013-AMS-01201-F  
EO12600 Response

Cherie DeJong  
Natural Prairie Dairy  
P.O. Box 659  
Hartley, Texas 79044

Dear Ms. DeJong:

This letter serves as a notice to Natural Prairie Dairy that Freedom of Information Act Request 2013-AMS-01201-F (copy enclosed) is contested in a litigation filed by *The Cornucopia Institute v. U.S. Department of Agriculture (USDA)*, Case No. 16-cv-148-RC (D.D.C). The Cornucopia Institute ("Plaintiff") requested certain information concerning your facility from the USDA, Agricultural Marketing Service ("AMS").

On March 7, 2016, we received a Freedom of Information Act ("FOIA") request, FOIA 2013-AMS-01201-F, from Plaintiff seeking:

[I]nformation regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP [National Organic Program] Compliance and Enforcement Division, and [AMS] Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations [sic]...

...Cornucopia is requesting, in particular, copies of all correspondence, discussion notes, documents, phone logs and background materials related to the planning for said visits, actual visits to the Texas and New Mexico organic dairies in 2012, any follow-up correspondence or documents and subsequent actions and/or activities that transpired following the visits (including any enforcement actions by the NOP or accredited certification agencies).

On or about January 29, 2016, Plaintiff filed the above-referenced lawsuit in order to gain access to this information. Information submitted by your organization is among the records requested by Plaintiff. A review of the enclosed records reveals that the records may contain confidential commercial or business information ("CBI") within the meaning of FOIA Exemption 4, 5 U.S.C. 552(b)(4). Exemption 4 protects from public disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential. In order to protect the information, AMS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity.

Next AMS must establish that the information is "confidential," which typically means that release of the information would cause substantial competitive harm to the submitter. In order to



establish substantial competitive harm, AMS must identify the competition in the relevant market. Accordingly, FOIA Exemption 4 permits agencies to withhold CBI, the disclosure of which is likely to cause substantial competitive harm.

Whenever AMS cannot readily determine whether responsive records contain CBI, the agency must obtain and consider the views of the organization that submitted the information. See Executive Order 12,600 (copy enclosed) and 7 C.F.R. § 1.12. In addition, the agency must provide the organization with an opportunity to object to any decision to disclose the information. *Id.* Congruous with this direction, for Natural Prairie Dairy's review, my office is enclosing 500 pages of records potentially responsive to FOIA 2013-AMS-01201-F that may contain Natural Prairie Dairy's information protected from disclosure as CBI.

In reviewing the enclosed records, please highlight information you believe is Natural Prairie Dairy's CBI and prepare a detailed, written justification to support protection of the designated information as CBI. The business submitter must explain fully all grounds upon which disclosure is opposed; specifically, a business submitter must explain item-by-item why disclosure would cause substantial harm to its competitive position. Also, enclosed is a copy of our Instructions for CBI Justification.

Please note that when documents contain information that qualifies as exempt from disclosure, the entire document is not necessarily exempt. The FOIA specifically provides that any reasonably segregable portions of a document must be provided to a requester after deletion of the portions that are exempt. For that reason, please specifically indicate which portions of the records that you believe contain CBI. Please be aware that comments provided by your organization in response to this letter may be subject to disclosure under FOIA.

We appreciate receiving your response to this notice no later than 12pm on April 18, 2016. Please be advised that AMS will be operating under strict time constraints due to this litigation. If your organization does not object to disclosure of this information, please notify AMS of this position in writing. Any comments should be sent by mail or to Mr. Gregory Bridges at:

Gregory Bridges  
Agricultural Marketing Service - FOIA Officer  
1400 Independence Avenue, SW  
South Building, Rm. 3943-S, Stop 0202  
Washington, DC 20250-0273  
Attn: FOIA 2013-AMS-01201-F (EO12600 Response)  
Email: [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

If your organization objects to the release of the information, AMS will consider your response carefully in making a final determination. Should AMS decide to release any of the information, we will advise you in writing before such disclosure takes place in order to provide your organization with an opportunity to seek judicial intervention. If you have any questions please contact me at 202-720-2498, or electronically at [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Bridges", is displayed within a rectangular frame.

Gregory Bridges  
FOIA Officer  
USDA, Agriculture Marketing Service

Enclosures:

1. Copy of FOIA Request
2. Responsive Records
3. Executive Order (E.O.) 12600
4. Instructions for CBI Justification



**STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202**

March 21, 2016

In reply, please refer to:  
2013-AMS-01201-F  
EO12600 Response

Jim Black  
Redland Dairy  
690 County Road 45  
Earth, TX 79031

Dear Mr. Black:

This letter serves as a notice to Redland Dairy that Freedom of Information Act Request 2013-AMS-01201-F (copy enclosed) is contested in a litigation filed by *The Cornucopia Institute v. U.S. Department of Agriculture (USDA)*, Case No. 16-cv-148-RC (D.D.C). The Cornucopia Institute ("Plaintiff") requested certain information concerning your facility from the USDA, Agricultural Marketing Service ("AMS").

On March 7, 2016, we received a Freedom of Information Act ("FOIA") request, FOIA 2013-AMS-01201-F, from Plaintiff seeking:

[I]nformation regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP [National Organic Program] Compliance and Enforcement Division, and [AMS] Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations [sic]...

...Cornucopia is requesting, in particular, copies of all correspondence, discussion notes, documents, phone logs and background materials related to the planning for said visits, actual visits to the Texas and New Mexico organic dairies in 2012, any follow-up correspondence or documents and subsequent actions and/or activities that transpired following the visits (including any enforcement actions by the NOP or accredited certification agencies).

On or about January 29, 2016, Plaintiff filed the above-referenced lawsuit in order to gain access to this information. Information submitted by your organization is among the records requested by Plaintiff. A review of the enclosed records reveals that the records may contain confidential commercial or business information ("CBI") within the meaning of FOIA Exemption 4, 5 U.S.C. 552(b)(4). Exemption 4 protects from public disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential. In order to protect the information, AMS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity.

Next AMS must establish that the information is "confidential," which typically means that release of the information would cause substantial competitive harm to the submitter. In order to

establish substantial competitive harm, AMS must identify the competition in the relevant market. Accordingly, FOIA Exemption 4 permits agencies to withhold CBI, the disclosure of which is likely to cause substantial competitive harm.

Whenever AMS cannot readily determine whether responsive records contain CBI, the agency must obtain and consider the views of the organization that submitted the information. See Executive Order 12,600 (copy enclosed) and 7 C.F.R. § 1.12. In addition, the agency must provide the organization with an opportunity to object to any decision to disclose the information. *Id.* Congruous with this direction, for Redland Dairy's review, my office is enclosing 243 pages of records potentially responsive to FOIA 2013-AMS-01201-F that may contain Redland Dairy's information protected from disclosure as CBI.

In reviewing the enclosed records, please highlight information you believe is Redland Dairy's CBI and prepare a detailed, written justification to support protection of the designated information as CBI. The business submitter must explain fully all grounds upon which disclosure is opposed; specifically, a business submitter must explain item-by-item why disclosure would cause substantial harm to its competitive position. Also, enclosed is a copy of our Instructions for CBI Justification.

Please note that when documents contain information that qualifies as exempt from disclosure, the entire document is not necessarily exempt. The FOIA specifically provides that any reasonably segregable portions of a document must be provided to a requester after deletion of the portions that are exempt. For that reason, please specifically indicate which portions of the records that you believe contain CBI. Please be aware that comments provided by your organization in response to this letter may be subject to disclosure under FOIA.

We appreciate receiving your response to this notice no later than 12pm on April 18, 2016. Please be advised that AMS will be operating under strict time constraints due to this litigation. If your organization does not object to disclosure of this information, please notify AMS of this position in writing. Any comments should be sent by mail or to Mr. Gregory Bridges at:

Gregory Bridges  
Agricultural Marketing Service - FOIA Officer  
1400 Independence Avenue, SW  
South Building, Rm. 3943-S, Stop 0202  
Washington, DC 20250-0273  
Attn: FOIA 2013-AMS-01201-F (EO12600 Response)  
Email: [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

If your organization objects to the release of the information, AMS will consider your response carefully in making a final determination. Should AMS decide to release any of the information, we will advise you in writing before such disclosure takes place in order to provide your organization with an opportunity to seek judicial intervention. If you have any questions please contact me at 202-720-2498, or electronically at [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Bridges". The signature is fluid and cursive, with the first name "Gregory" and last name "Bridges" clearly distinguishable.

Gregory Bridges  
FOIA Officer  
USDA, Agriculture Marketing Service

Enclosures:

1. Copy of FOIA Request
2. Responsive Records
3. Executive Order (E.O.) 12600
4. Instructions for CBI Justification



**January 4, 2013**

USDA, Agricultural Marketing Service  
Valerie L. Emmer Scott -- FOIA/PA Officer  
Rm 3521-S  
Ag Stop 0202  
1400 Independence Ave., SW  
Washington, DC 20250-0273

Sent via email: [AMS.FOIA@usda.gov](mailto:AMS.FOIA@usda.gov)

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

Dear Ms. Scott,

The Cornucopia Institute is requesting information regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP's Compliance and Enforcement Division, and Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations (please let us know if you would like a separate FOIA request).

It is our understanding that the Texas and New Mexico visits occurred in 2012 and Cornucopia is requesting, in particular, copies of all correspondence, discussion notes, documents, phone logs and background materials related to the planning for said visits, actual visits to the Texas and New Mexico organic dairies in 2012, any follow-up correspondence or documents and subsequent actions and/or activities that transpired following the visits (including any enforcement actions by the NOP or accredited certification agencies).

As I am making this request as a policy researcher for a not-for-profit public interest and

research organization, please waive any applicable fees. Also, I would appreciate your communicating with me by telephone or e-mail, rather than by the United States Postal Service, if you have questions regarding this request.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Will Fantle".

Will Fantle, Codirector  
The Cornucopia Institute



**January 4, 2013**

USDA, Agricultural Marketing Service  
Valerie L. Emmer Scott -- FOIA/PA Officer  
Rm 3521-S  
Ag Stop 0202  
1400 Independence Ave., SW  
Washington, DC 20250-0273

Sent via email: [AMS.FOIA@usda.gov](mailto:AMS.FOIA@usda.gov)

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

Dear Ms. Scott,

The Cornucopia Institute is requesting information regarding visits to organic dairies in Texas and New Mexico by Matthew Michael, the Director of the NOP's Compliance and Enforcement Division, and Deputy Administrator Miles McEvoy, or any other USDA official or agent acting at NOP's request. If there are any other dairies that have been visited directly by NOP staff in 2012 we would also respectfully request materials related to those visits (but only after the aforementioned documents are delivered related to the Texas and New Mexico operations (please let us know if you would like a separate FOIA request).

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As I am making this request as a policy researcher for a not-for-profit public interest and



research organization, please waive any applicable fees. Also, I would appreciate your communicating with me by telephone or e-mail, rather than by the United States Postal Service, if you have questions regarding this request.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Will Fantle".

Will Fantle, Codirector  
The Cornucopia Institute

## **INSTRUCTIONS FOR CONFIDENTIAL BUSINESS INFORMATION (CBI) JUSTIFICATION**

The AMS FOIA Office will make a decision as to whether information is confidential business information (“CBI”) protected from disclosure under Exemption 4 of FOIA. In order to protect information from disclosure as CBI, AMS must first establish that the information is commercial or financial and that it was obtained from a person, company, organization, state government, or other outside entity. Next, AMS must establish that the information is “confidential,” which typically means that release of the information would cause substantial competitive harm to the submitter. In order to establish substantial competitive harm, AMS must be able to identify that the submitter competes in a market and disclosure of the submitter’s information will likely cause substantial competitive harm to the submitter in the relevant competitive market.

In conjunction with your review of records for CBI, please designate information you believe is CBI and, in accordance with the instructions below, prepare a detailed written justification to support protection of the designated information from disclosure under FOIA. Please explain fully all grounds upon which disclosure is opposed; specifically, a business submitter must explain item-by-item why disclosure would cause substantial harm to its competitive position.

Your written justification should respond to the instructions set forth below and be provided in a format corresponding to each of the below headings.

### **I. Introduction**

Provide general information describing the competitive market of your business. Include any background information that provides relevancy to comments used in your justification. If any information belongs to cooperating businesses, include a discussion of how information is maintained confidential, i.e., secrecy agreements.

### **II. In Your Justification, Categorize Like Pieces of Information**

- A. Review the documents we have referred to your organization for review pursuant to Executive Order 12,600.
- B. Designate the information your company claims as CBI.
- C. Categorize like pieces of information designated as CBI. By way of example only, a non-exhaustive list of categories of information could include:
  - detailed financial information such as a company's assets, liabilities, and net worth;

- a company's actual costs, break-even calculations, profits and profit rates;
- data describing a company's workforce that would reveal labor costs, or profit margins,
- a company's selling prices, purchase activity or pricing strategy;
- market share and volume of sales; and
- currently unannounced and future products or proprietary technical information

Please note that inclusion on the above non-exhaustive list is not meant to imply that AMS will definitively find such category of information to be CBI. AMS does not categorically decide information is CBI. Instead AMS evaluates each piece of information individually and decides whether disclosure of the information will likely cause substantial competitive harm to the submitter in the relevant competitive market.

D. Provide a discussion for each category identified. The discussion should describe:

1. What each category of information reveals about your organization's business;
2. How a competitor could use this information to cause your company competitive harm; and
3. The specific competitive harm (e.g., financial, research & development, etc.) that could result if the information is released. This is essential for our release determination;

### III. Summary

Summarize the importance of the information that you have identified as CBI to the viability of your company's business operations. Provide the name and telephone number of a company official that AMS can contact for further explanation.

### IV. Documents

You must provide AMS a copy of all pages on which you have identified information as CBI. When records contain information that qualifies as exempt from disclosure as CBI, the entire record is not necessarily exempt from disclosure. FOIA specifically provides that any reasonably segregable portions of a record must be provided to a requester after redaction of the portions that are exempt from disclosure. For that reason, please designate the **exact portion** of each page you believe contains CBI.

Information can be designated by drawing a box around it or underlining it if you are sending your submission by facsimile or email. Please use a writing instrument that is capable of drawing a dark heavy line to ensure your redactions can be seen. The underlined/boxed information must be visible through the markings. If sending by mail,

you may highlight the information or use one of the methods previously listed.

## **V. Index (Optional)**

Provide an index of the referred documents that your company designated as containing CBI. The index should match each appropriate categorical justification to the documents containing information claimed as CBI.

## **VI. Additional Help**

For assistance in preparing your response or for more information regarding this process, please consult the following resources:

- A. Freedom of Information Act, 5 U.S.C. § 552
- B. Handling Information from a Private Business, 7 C.F.R. 1.12
- C. U.S. Department of Justice's Guide to the FOIA at <http://www.justice.gov/oip/doj-guide-freedom-information-act-0>
- D. Executive Order 12,600- Predisclosure Notification Procedures for Confidential Commercial Information (copy enclosed)
- E. Obtain the advice of counsel to ensure you provide the level of detail required to support any Exemption 4 assertions

## **Executive Order 12600--Predisclosure notification procedures for confidential commercial information**

**Source:** The provisions of Executive Order 12600 of June 23, 1987, appear at 52 FR 23781, 3 CFR, 1987 Comp., p. 235, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to provide predisclosure notification procedures under the Freedom of Information Act concerning confidential commercial information, and to make existing agency notification provisions more uniform, it is hereby ordered as follows:

**Section 1.** The head of each Executive department and agency subject to the Freedom of Information Act shall, to the extent permitted by law, establish procedures to notify submitters of records containing confidential commercial information as described in section 3 of this Order, when those records are requested under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, if after reviewing the request, the responsive records, and any appeal by the requester, the department or agency determines that it may be required to disclose the records. Such notice requires that an agency use good-faith efforts to advise submitters of confidential commercial information of the procedures established under this Order. Further, where notification of a voluminous number of submitters is required, such notification may be accomplished by posting or publishing the notice in a place reasonably calculated to accomplish notification.

**Sec. 2.** For purposes of this Order, the following definitions apply:

(a) "Confidential commercial information" means records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(b) "Submitter" means any person or entity who provides confidential commercial information to the government. The term "submitter" includes, but is not limited to, corporations, state governments, and foreign governments.

**Sec. 3.** (a) For confidential commercial information submitted prior to January 1, 1988, the head of each Executive department or agency shall, to the extent permitted by law, provide a submitter with notice pursuant to section 1 whenever:

(i) the records are less than 10 years old and the information has been designated by the submitter as confidential commercial information; or

(ii) the department or agency has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(b) For confidential commercial information submitted on or after January 1, 1988, the head of each Executive department or agency shall, to the extent permitted by law, establish procedures to permit submitters of confidential commercial information to designate, at the time the information is submitted to the Federal government or a reasonable time thereafter, any information the disclosure of which the submitter claims could reasonably be expected to cause substantial competitive harm. Such agency procedures may provide for the expiration, after a specified period of time or changes in circumstances, of designations of competitive harm made by submitters. Additionally, such procedures may permit the agency to designate specific classes of information that will be treated by the agency as if the information had been so designated by the submitter. The head of each Executive department or agency shall, to the extent permitted by law, provide the submitter notice in accordance with section 1 of this Order whenever the department or agency determines that it may be required to disclose records:

(i) designated pursuant to this subsection; or

(ii) the disclosure of which the department or agency has reason to believe could reasonably be expected to cause substantial competitive harm.

**Sec. 4.** When notification is made pursuant to section 1, each agency's procedures shall, to the extent permitted by law, afford the submitter a reasonable period of time in which the submitter or its designee may object to the disclosure of any specified portion of the information and to state all grounds upon which disclosure is opposed.

**Sec. 5.** Each agency shall give careful consideration to all such specified grounds for nondisclosure prior to making an administrative determination of the issue. In all instances when the agency determines to disclose the requested records, its procedures shall provide that the agency give the

submitter a written statement briefly explaining why the submitter's objections are not sustained. Such statement shall, to the extent permitted by law, be provided a reasonable number of days prior to a specified disclosure date.

**Sec. 6.** Whenever a FOIA requester brings suit seeking to compel disclosure of confidential commercial information, each agency's procedures shall require that the submitter be promptly notified.

**Sec. 7.** The designation and notification procedures required by this Order shall be established by regulations, after notice and public comment. If similar procedures or regulations already exist, they should be reviewed for conformity and revised where necessary. Existing procedures or regulations need not be modified if they are in compliance with this Order.

**Sec. 8.** The notice requirements of this Order need not be followed if:

- (a) The agency determines that the information should not be disclosed;
- (b) The information has been published or has been officially made available to the public;
- (c) Disclosure of the information is required by law (other than 5 U.S.C. 552);
- (d) The disclosure is required by an agency rule that (1) was adopted pursuant to notice and public comment, (2) specifies narrow classes of records submitted to the agency that are to be released under the Freedom of Information Act, and (3) provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm;
- (e) The information requested is not designated by the submitter as exempt from disclosure in accordance with agency regulations promulgated pursuant to section 7, when the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless the agency has substantial reason to believe that disclosure of the information would result in competitive harm; or
- (f) The designation made by the submitter in accordance with agency regulations promulgated pursuant to section 7 appears obviously frivolous; except that, in such case, the agency must provide the submitter with written notice of any final administrative disclosure determination within a reasonable number of days prior to the specified disclosure date.

**Sec. 9.** Whenever an agency notifies a submitter that it may be required to disclose information pursuant to section 1 of this Order, the agency shall also notify the requester that notice and an opportunity to comment are being provided the submitter. Whenever an agency notifies a submitter of a final decision pursuant to section 5 of this Order, the agency shall also notify the requester.

**Sec. 10.** This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

[Contact Us](#) [Accessibility](#) [Privacy Policy](#) [Freedom of Information Act](#) [No FEAR Act](#) [USA.gov](#)

**The U.S. National Archives and Records Administration**

1-86-NARA-NARA or 1-866-272-6272

**From:** [Bridges, Gregory - AMS](#)  
**To:** [Sachnoff, Lee E.](#); [LISWELL, BROOKS - OGC](#); [Michael, Matthew - AMS](#); [Schurkamp, Lynnea - AMS](#)  
**Subject:** (b) (5)  
**Start:** Wednesday, June 15, 2016 4:00:00 PM  
**End:** Wednesday, June 15, 2016 4:45:00 PM  
**Location:** Teleconference Call In: (b) (6) Access Code: (b) (6)

---

Mr. Sachnoff:

(b) (5)

(b) (5) Joining us will be myself, Brooks Liswell from our Office of General Counsel, and Michael Matthew and Lynnea Schurkamp from our National Organic Program.

A call in number will be provided prior to the start of this meeting. If you have any questions, please contact me.

Thanks,

Greg Bridges  
FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
3943-S  
Stop 0202  
Washington, D.C. 20250  
202-720-2498

**From:** [Bridges, Gregory - AMS](#)  
**To:** [Sachnoff, Lee F.](#); [LISWELL, BROOKS - OGC](#); [Michael, Matthew - AMS](#)  
**Cc:** [Isler, Thomas A.](#); [Arney, Neil L.](#)  
**Subject:** Canceled: EO 12600 Submitter Notice Review (Aurora Dairy)  
**Importance:** High

---

All:

Due to unforeseen circumstances today's meeting has been cancelled. I apologize for the short notice. We will attempt to reschedule for later this week.

Thanks,

Greg Bridges  
FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
3943-S  
Stop 0202  
Washington, D.C. 20250  
202-720-2498



**From:** [Bridges, Gregory - AMS](#)  
**To:** [Sachnoff, Lee F.](#); [LISWELL, BROOKS - OGC](#); [Michael, Matthew - AMS](#)  
**Subject:** EO 12600 Submitter Notice Review (Aurora Dairy)

---

Mr. Sachnoff:

(b) (5)

Joining us will be myself, Brooks Liswell from our Office of General Counsel, and Michael Matthew from our National Organic Program.

If you have any questions, please contact me.

Greg Bridges  
FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

**From:** Bridges, Gregory - AMS  
**To:** ["Sachnoff, Lee F."](#)  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Monday, March 14, 2016 5:57:00 PM

---

Hi Lee:

We are putting it in the mail this week. (b) (5)

**Greg Bridges**

FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
Stop 0202  
Washington, D.C. 20250

---

**From:** Sachnoff, Lee F. [mailto:[Lee.Sachnoff@KutakRock.com](mailto:Lee.Sachnoff@KutakRock.com)]  
**Sent:** Monday, March 14, 2016 4:02 PM  
**To:** Bridges, Gregory - AMS  
**Cc:** Arney, Neil L.  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Greg:

We have not yet received the disk with the proposed redactions. Any update on when we can expect to receive them?

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799  
[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

---

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message.

Thank you.

---

**From:** Bridges, Gregory - AMS  
**To:** ["Sachnoff, Lee F."](#)  
**Subject:** RE: FOIA 2013-AMS-01201-F (EO12600 Response)  
**Date:** Tuesday, June 21, 2016 2:49:00 PM

---

Hi Lee:

Yes we did receive your letter. I will reach out to you if there are any issues.

Thanks,

Greg Bridges  
FOIA Officer  
USDA Agricultural Marketing Service  
1400 Independence Avenue, S.W.  
3943-S  
Stop 0202  
Washington, D.C. 20250  
202-720-2498

-----Original Message-----

From: Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
Sent: Tuesday, June 21, 2016 1:51 PM  
To: Bridges, Gregory - AMS  
Subject: FW: FOIA 2013-AMS-01201-F (EO12600 Response)

Greg:

I wanted to make sure that you received Aurora Organic Dairy's response that my legal assistant Nguyen Vargas sent to you early today. Please confirm. Thank you.

Lee F. Sachnoff | Kutak Rock LLP  
1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799 [lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

-----Original Message-----

From: Vargas, Nguyen T.  
Sent: Tuesday, June 21, 2016 8:57 AM  
To: GREGORY.BRIDGES@ams.usda.gov  
Cc: 'Juanv@AuroraOrganic.com'; Gary Sebek; brentc@AODMilk.com; Arney, Neil L.; Sachnoff, Lee F.  
Subject: FOIA 2013-AMS-01201-F (EO12600 Response)

Mr. Bridges:

At the request of Lee F. Sachnoff, please find the attached correspondence and enclosures.

Please contact Mr. Sachnoff with any questions.

Very truly yours,

Nguyen T. Vargas, Corporate Legal Secretary Kutak Rock LLP  
1801 California Street, Suite 3000  
Denver, CO 80202  
Telephone: (303) 297-2400  
Direct: (303) 292-7733  
Email: [nguyen.vargas@kutakrock.com](mailto:nguyen.vargas@kutakrock.com)

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This E-mail message is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message. Thank you.

---

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Thank you.



STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202

VIA E-MAIL TO  
[NEIL.ARNEY@KUTAKROCK.COM](mailto:NEIL.ARNEY@KUTAKROCK.COM)  
AND UPS NEXT DAY AIR

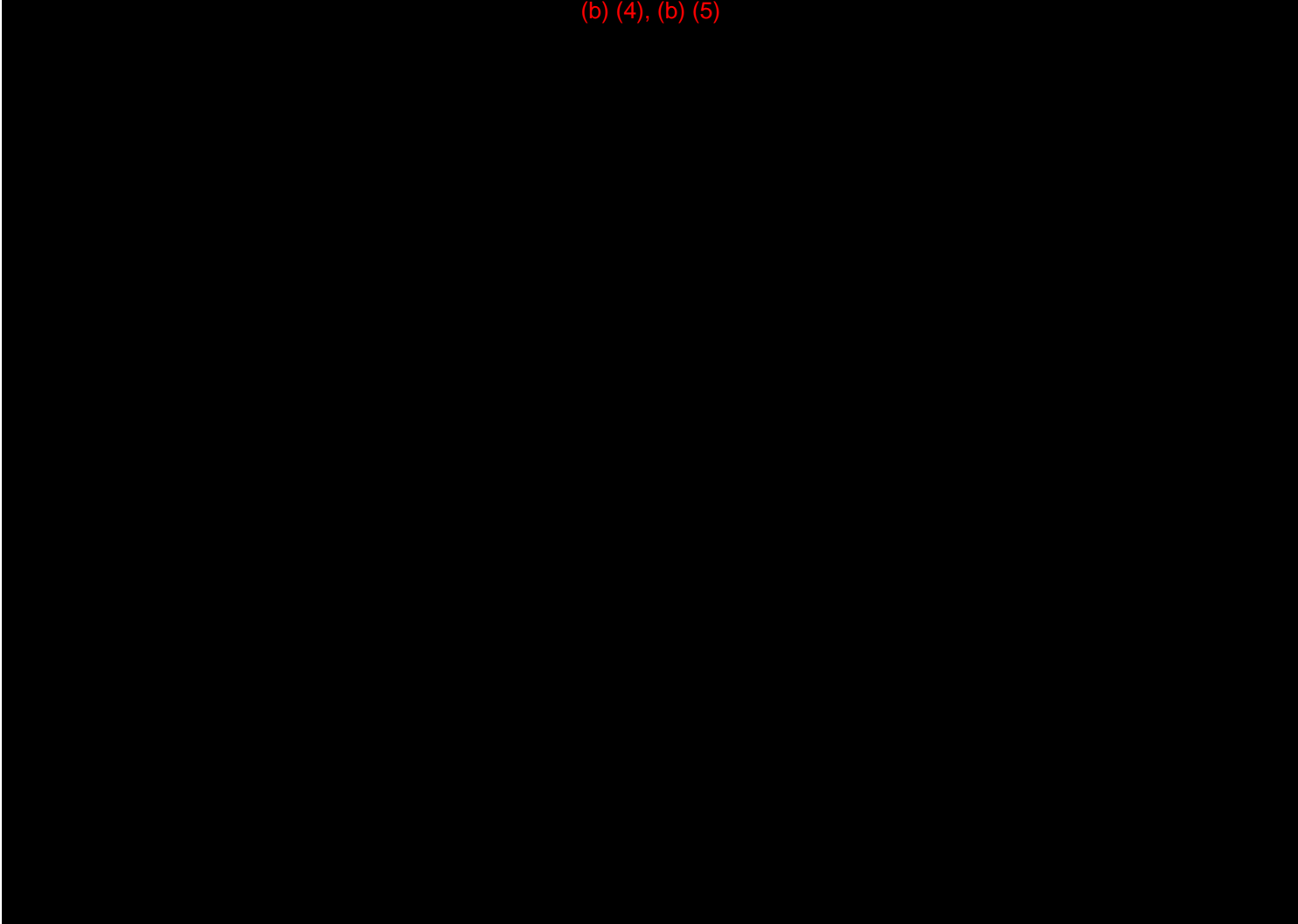
June 10, 2016

Neil L. Arney, Esq.  
Kutak Rock LLP  
1801 California Street  
Denver, Colorado 80202

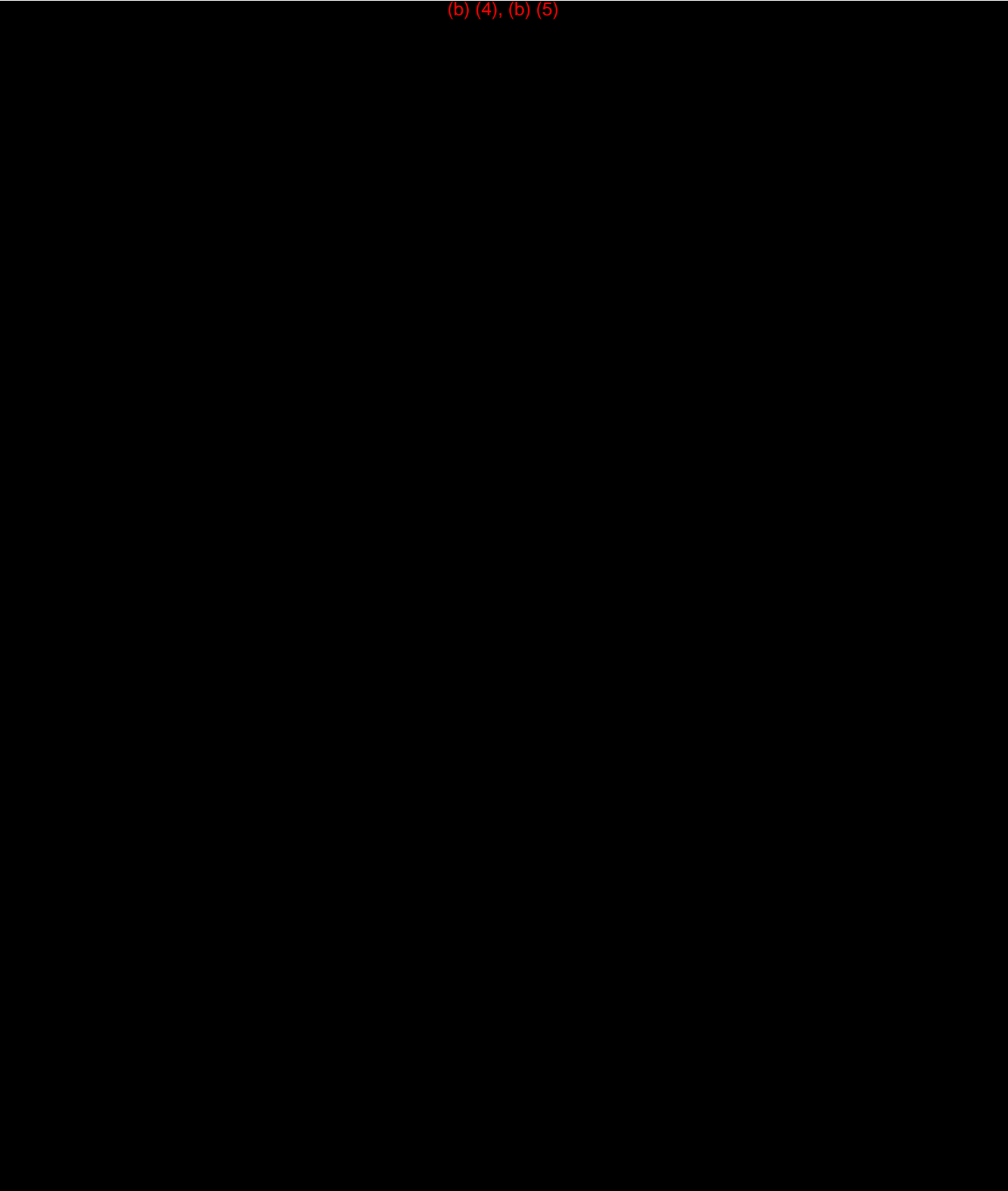
Subject: Notice of Intent to Release Records in *The Cornucopia Institute v. U.S. Department of Agriculture (USDA)*, Case No. 16-cv-148-RC (D.D.C)

Dear Mr. Arney:

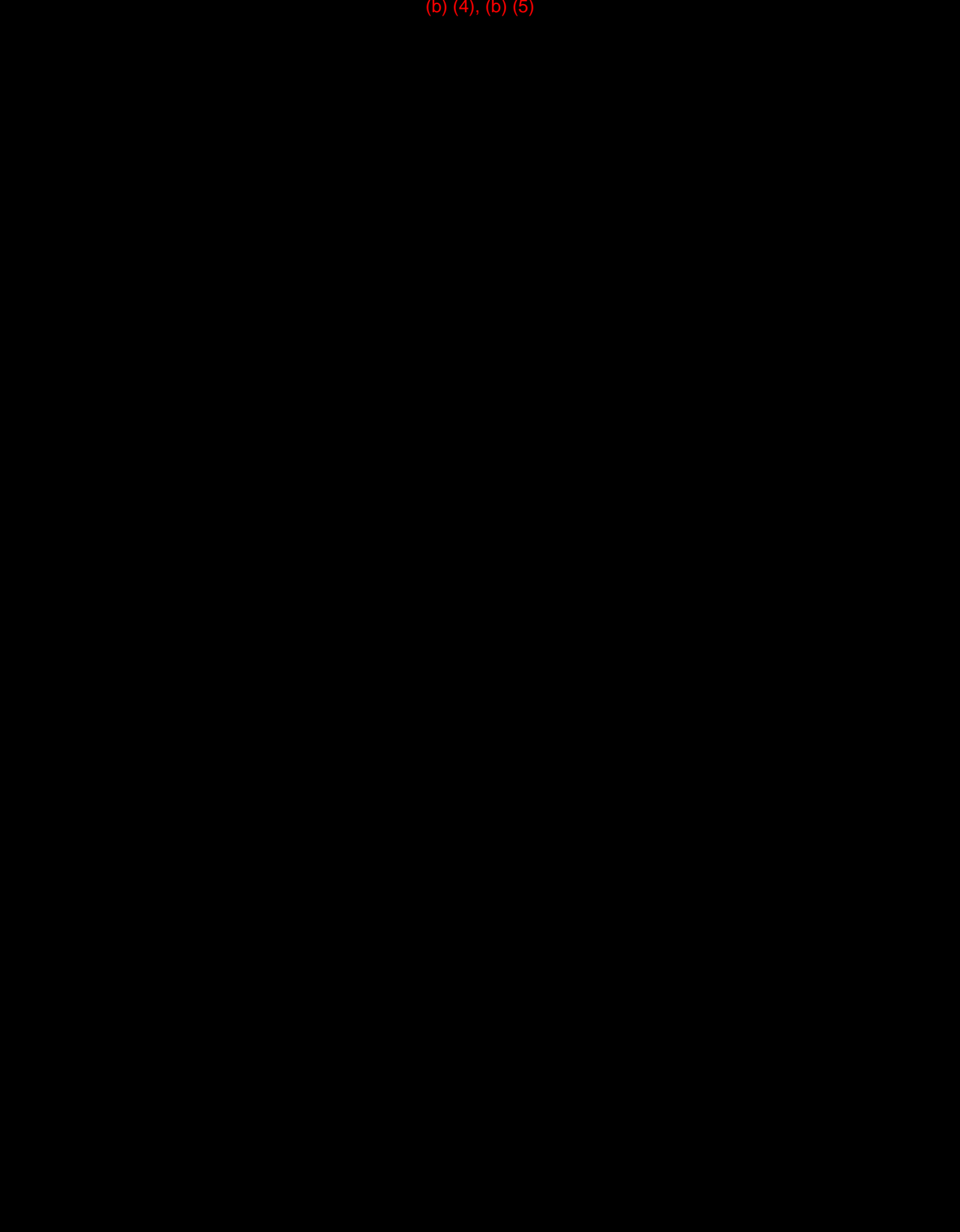
(b) (4), (b) (5)

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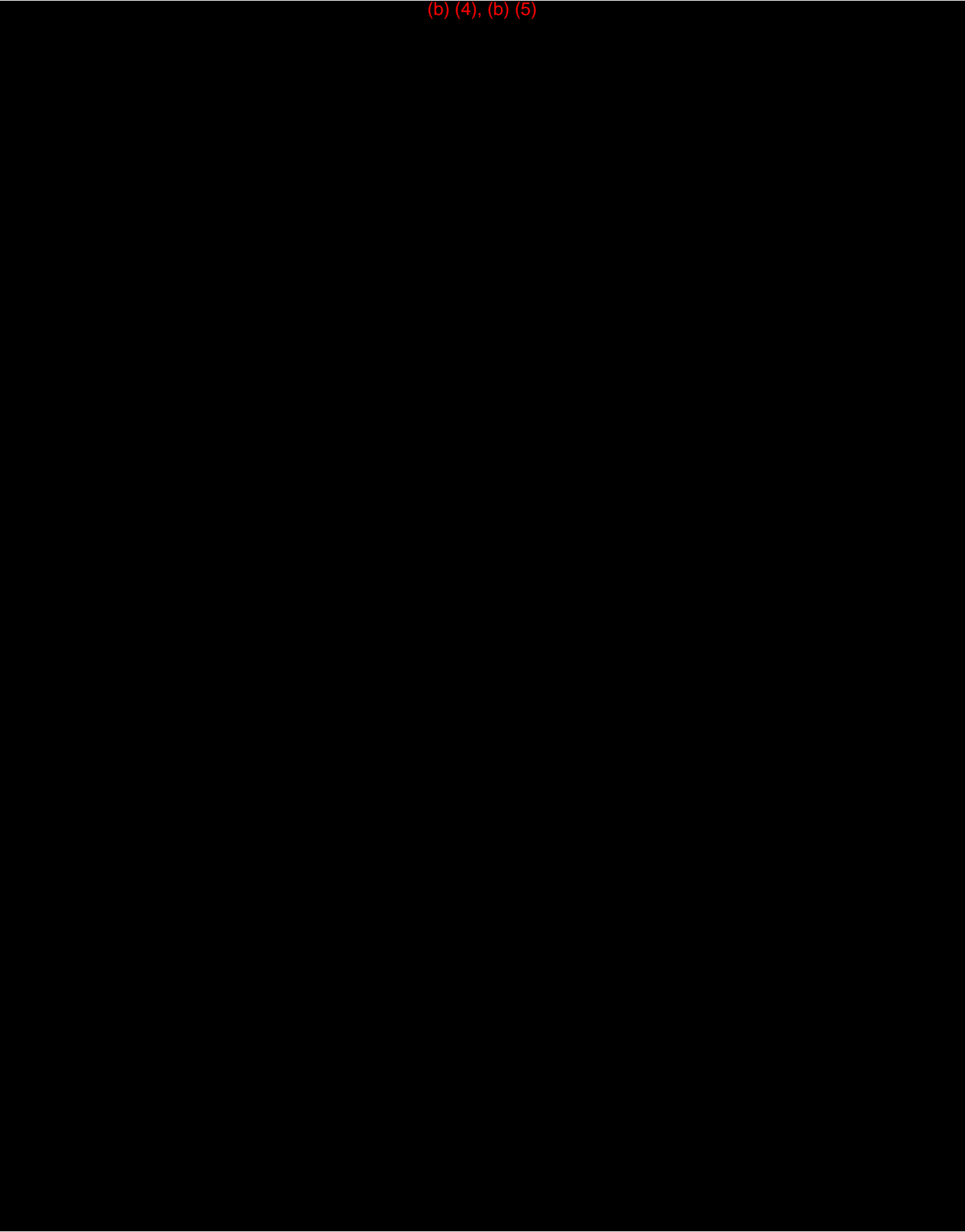
(b) (4), (b) (5)



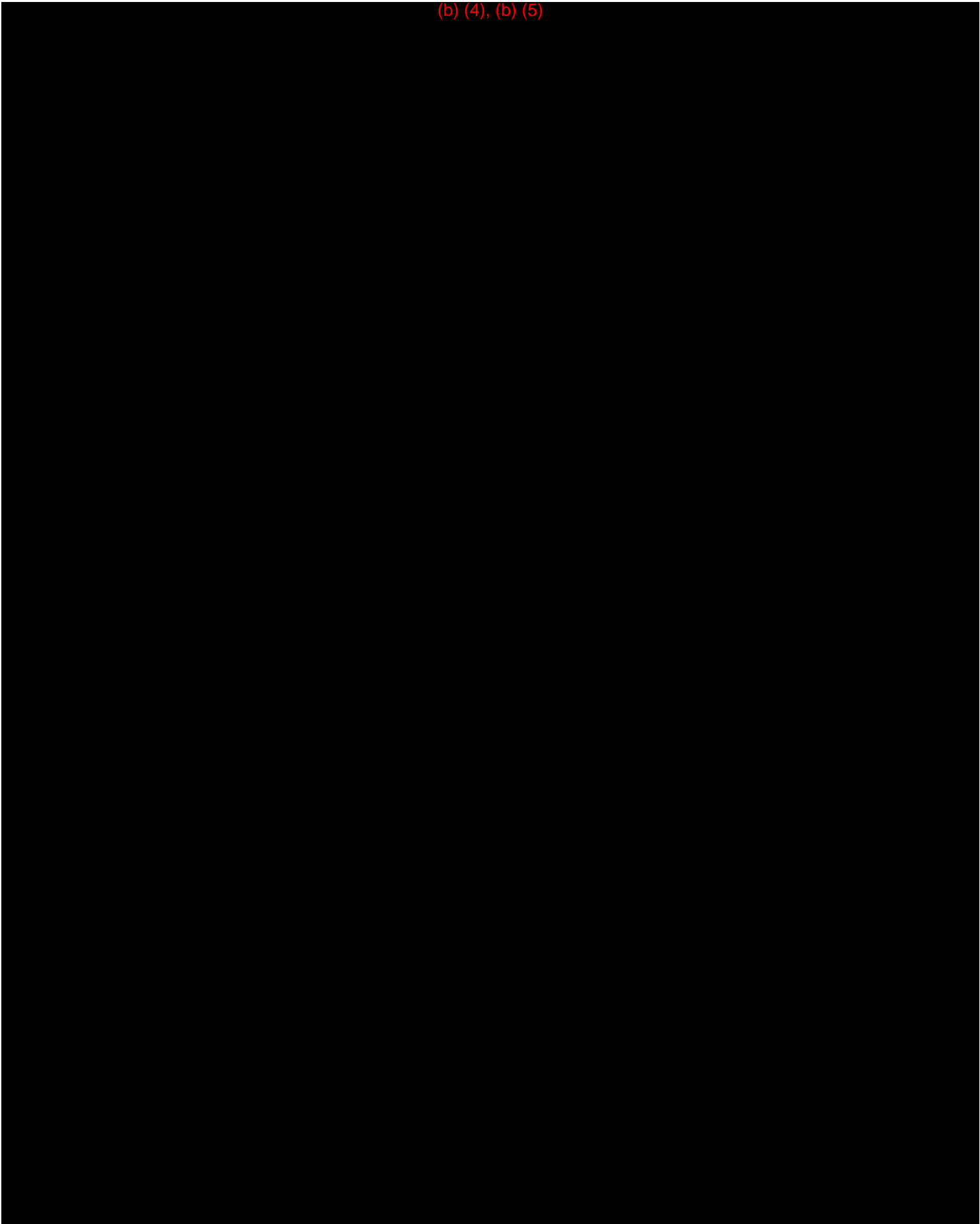
(b) (4), (b) (5)



(b) (4), (b) (5)



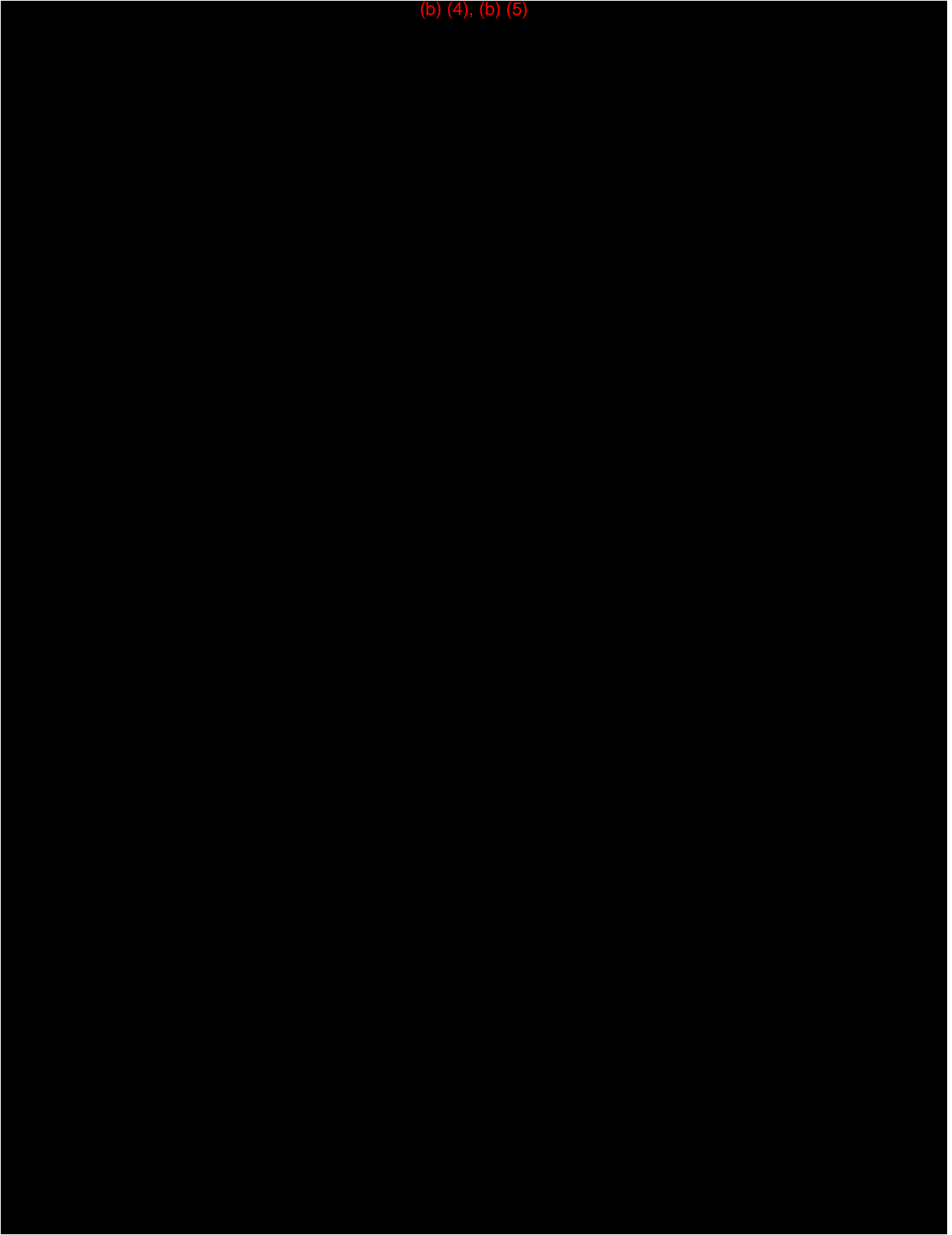


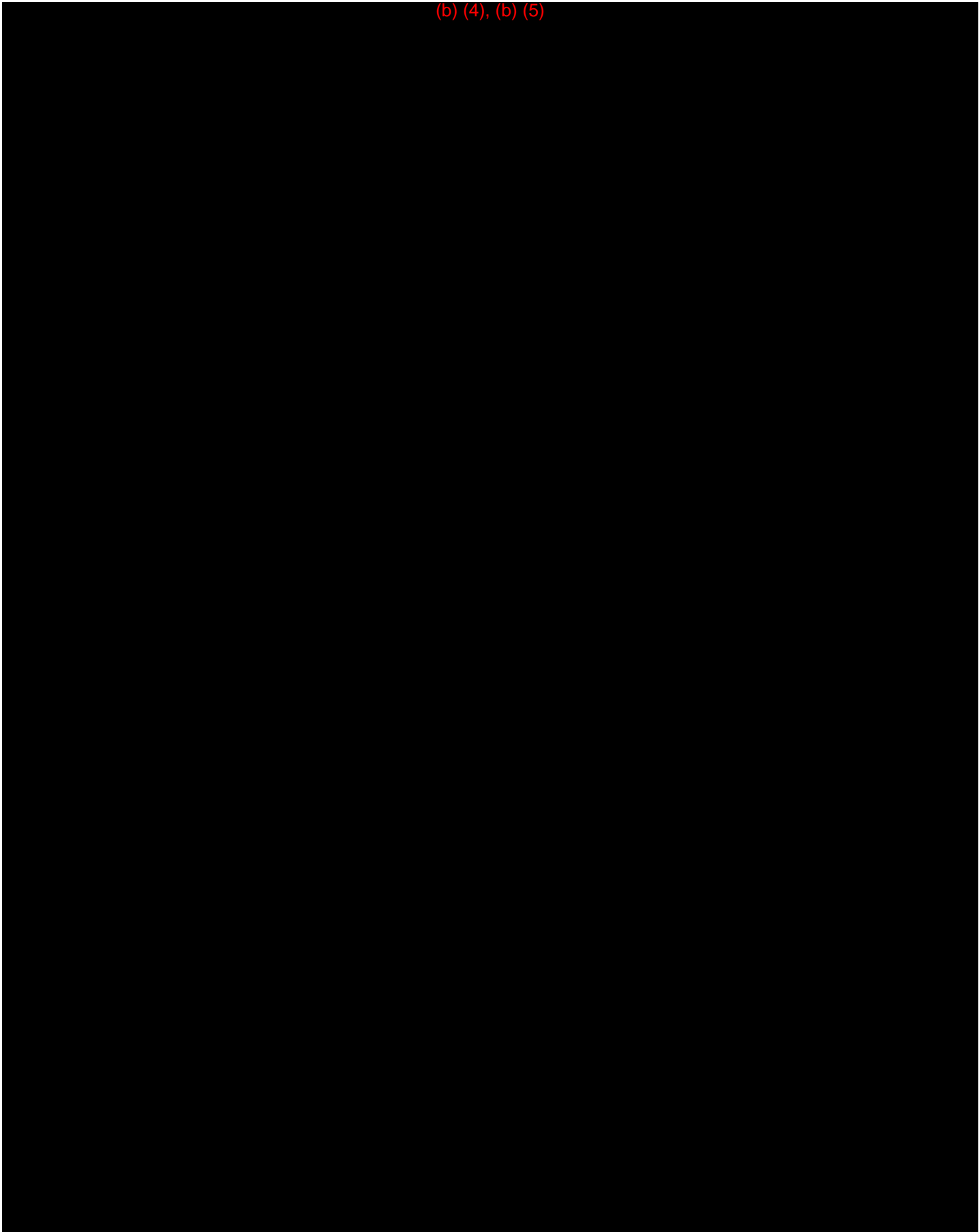




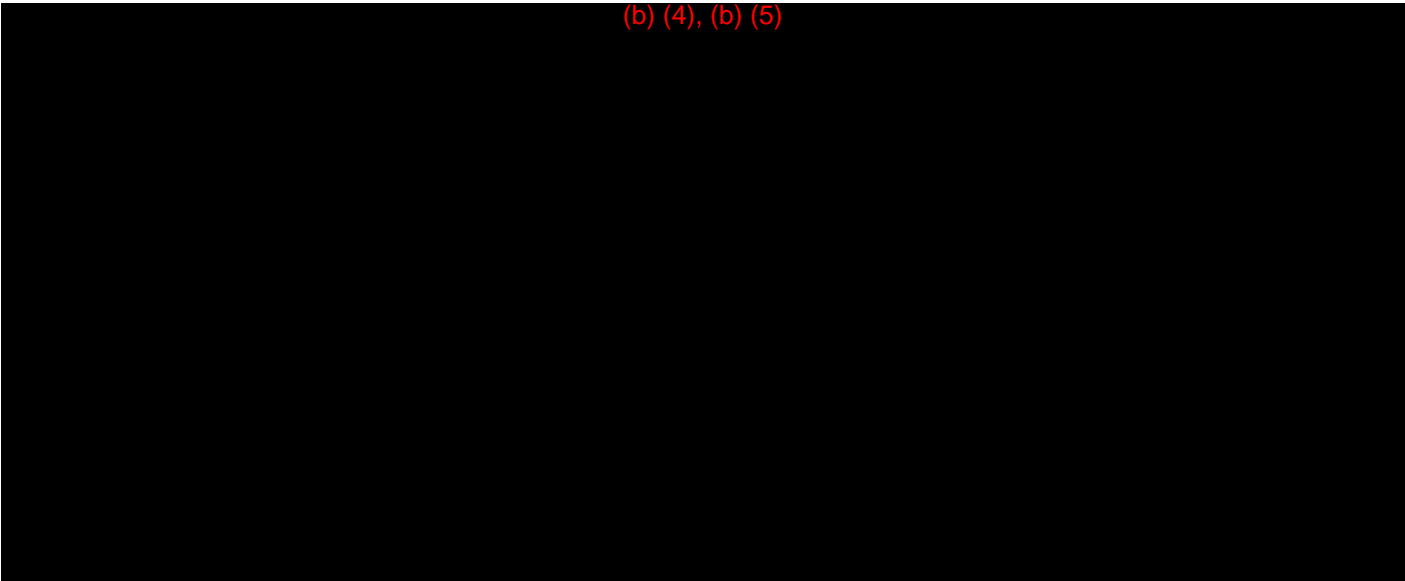


(b) (4), (b) (5)



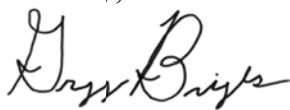


(b) (4), (b) (5)



Please direct any questions you may have regarding this matter to me at 202-720-2498 or at [Gregory.Bridges@ams.usda.gov](mailto:Gregory.Bridges@ams.usda.gov).

Sincerely,



Gregory Bridges  
FOIA Officer  
USDA, Agricultural Marketing Service

Enclosures



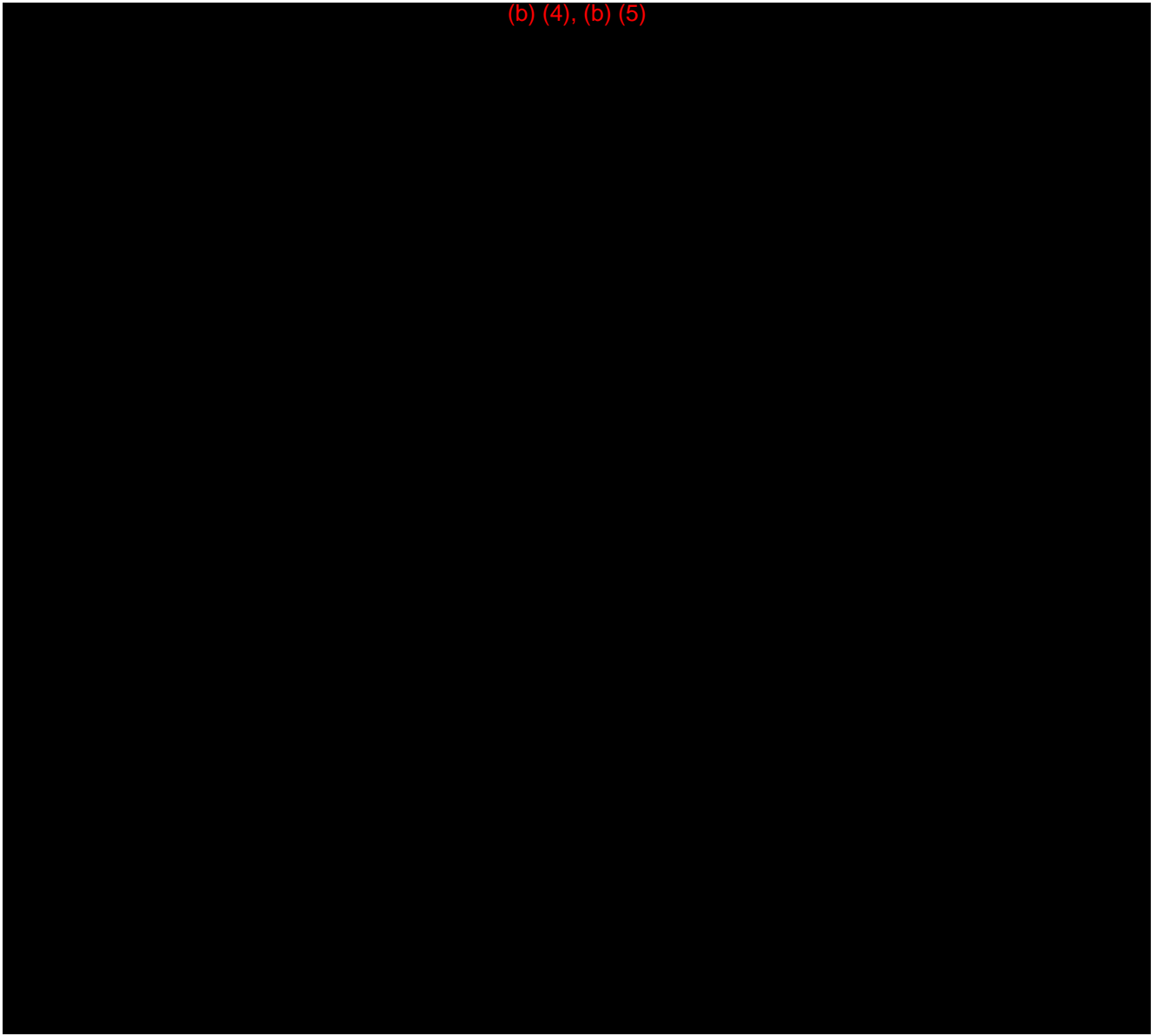
STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202

VIA E-MAIL TO  
[LEE.SACHNOFF@KUTAKROCK.COM](mailto:LEE.SACHNOFF@KUTAKROCK.COM)  
AND UPS NEXT DAY AIR

June 22, 2016

Lee F. Sachnoff, Esq.  
Kutak Rock LLP  
1801 California Street  
Denver, Colorado 80202

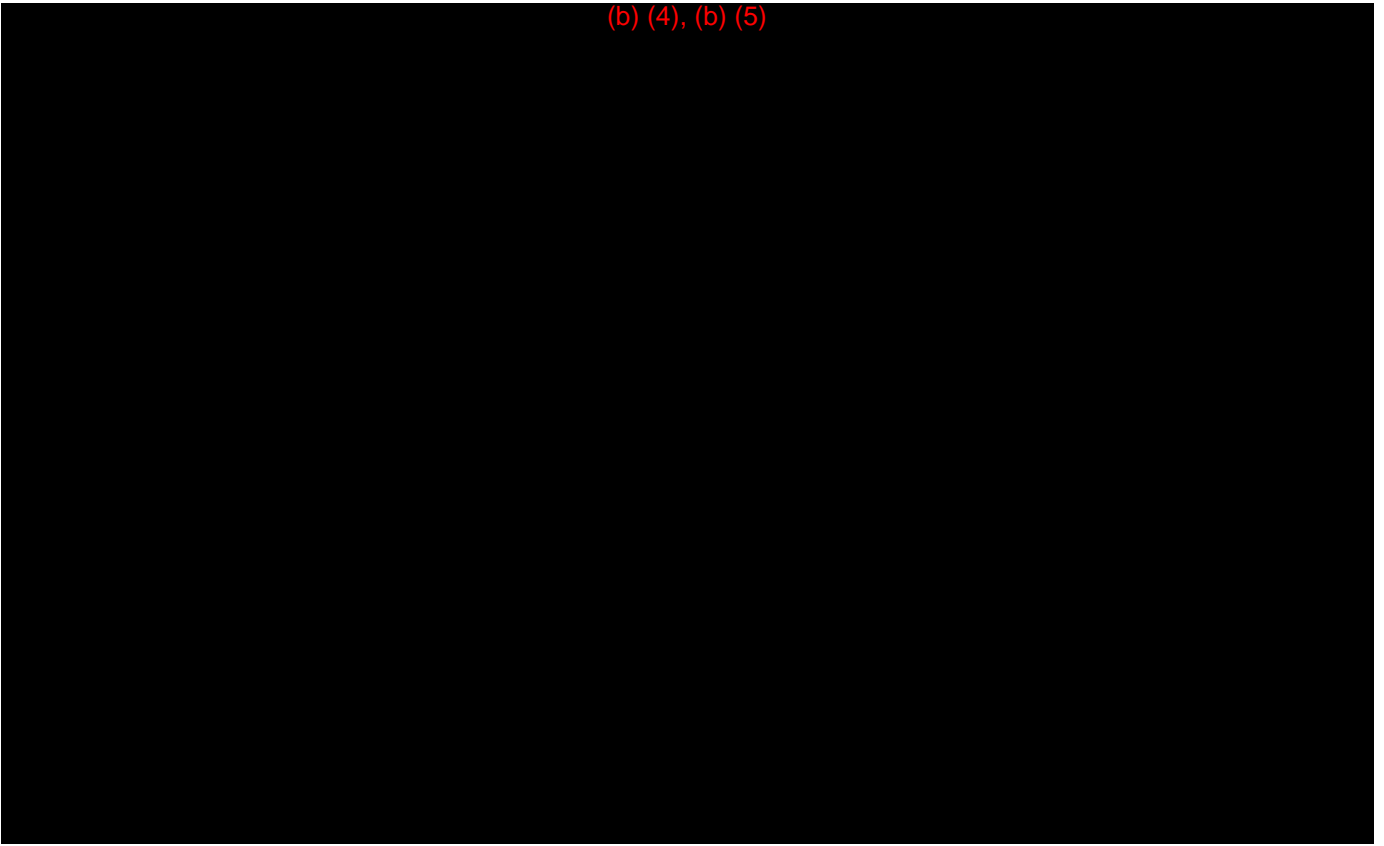
(b) (4), (b) (5)

A large, solid black rectangular redaction box covers the majority of the lower half of the page, obscuring all content below the redaction code.





(b) (4), (b) (5)



Please direct any questions you may have regarding this matter to me at 202-720-2498 or at [Gregory.Bridges@ams.usda.gov](mailto:Gregory.Bridges@ams.usda.gov).

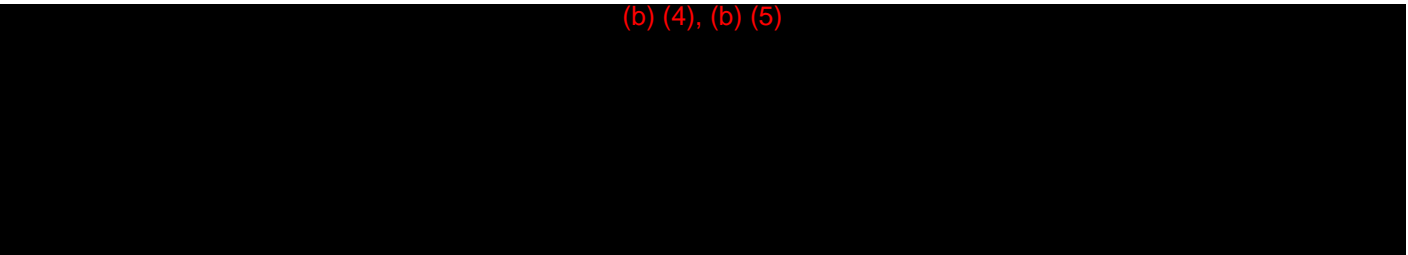
Sincerely,



Gregory Bridges  
Freedom of Information Act Officer

Enclosures (via UPS only)

(b) (4), (b) (5)





STOP 0202-Room 3943-S  
1400 Independence Avenue, SW.  
Washington, DC 20250-0202

July 11, 2016

**VIA EXPRESS MAIL TO**

Ryan K. Miltner, Esq.  
Miltner Law Firm  
100 N. Main Street, P.O. Box 477  
New Knoxville, Ohio 45871

(b) (4), (b) (5)

A large, solid black rectangular box covers the majority of the lower half of the page, indicating that the content has been redacted. The text "(b) (4), (b) (5)" is printed in red at the top left corner of this redacted area.







Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Bridges". The signature is fluid and cursive, with the first name "Gregory" and last name "Bridges" clearly distinguishable.

Gregory Bridges  
FOIA Officer  
USDA, Agriculture Marketing Service

Enclosures

## Bridges, Gregory - AMS

---

**From:** Sachnoff, Lee F. <Lee.Sachnoff@KutakRock.com>  
**Sent:** Tuesday, June 21, 2016 1:51 PM  
**To:** Bridges, Gregory - AMS  
**Subject:** FW: FOIA 2013-AMS-01201-F (EO12600 Response)  
**Attachments:** Bridges Letter 6.21.16.pdf; Enclosures to Bridges Letter 6.21.16.pdf

Greg:

I wanted to make sure that you received Aurora Organic Dairy's response that my legal assistant Nguyen Vargas sent to you early today. Please confirm. Thank you.

Lee F. Sachnoff | Kutak Rock LLP  
1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799 [lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

-----Original Message-----

From: Vargas, Nguyen T.  
Sent: Tuesday, June 21, 2016 8:57 AM  
To: [GREGORY.BRIDGES@ams.usda.gov](mailto:GREGORY.BRIDGES@ams.usda.gov)  
Cc: 'Juanv@AuroraOrganic.com'; Gary Sebek; [brentc@AODMilk.com](mailto:brentc@AODMilk.com); Arney, Neil L.; Sachnoff, Lee F.  
Subject: FOIA 2013-AMS-01201-F (EO12600 Response)

Mr. Bridges:

At the request of Lee F. Sachnoff, please find the attached correspondence and enclosures.

Please contact Mr. Sachnoff with any questions.

Very truly yours,

Nguyen T. Vargas, Corporate Legal Secretary Kutak Rock LLP  
1801 California Street, Suite 3000  
Denver, CO 80202  
Telephone: (303) 297-2400  
Direct: (303) 292-7733  
Email: [nguyen.vargas@kutakrock.com](mailto:nguyen.vargas@kutakrock.com)

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FACSIMILE 303-292-7799**

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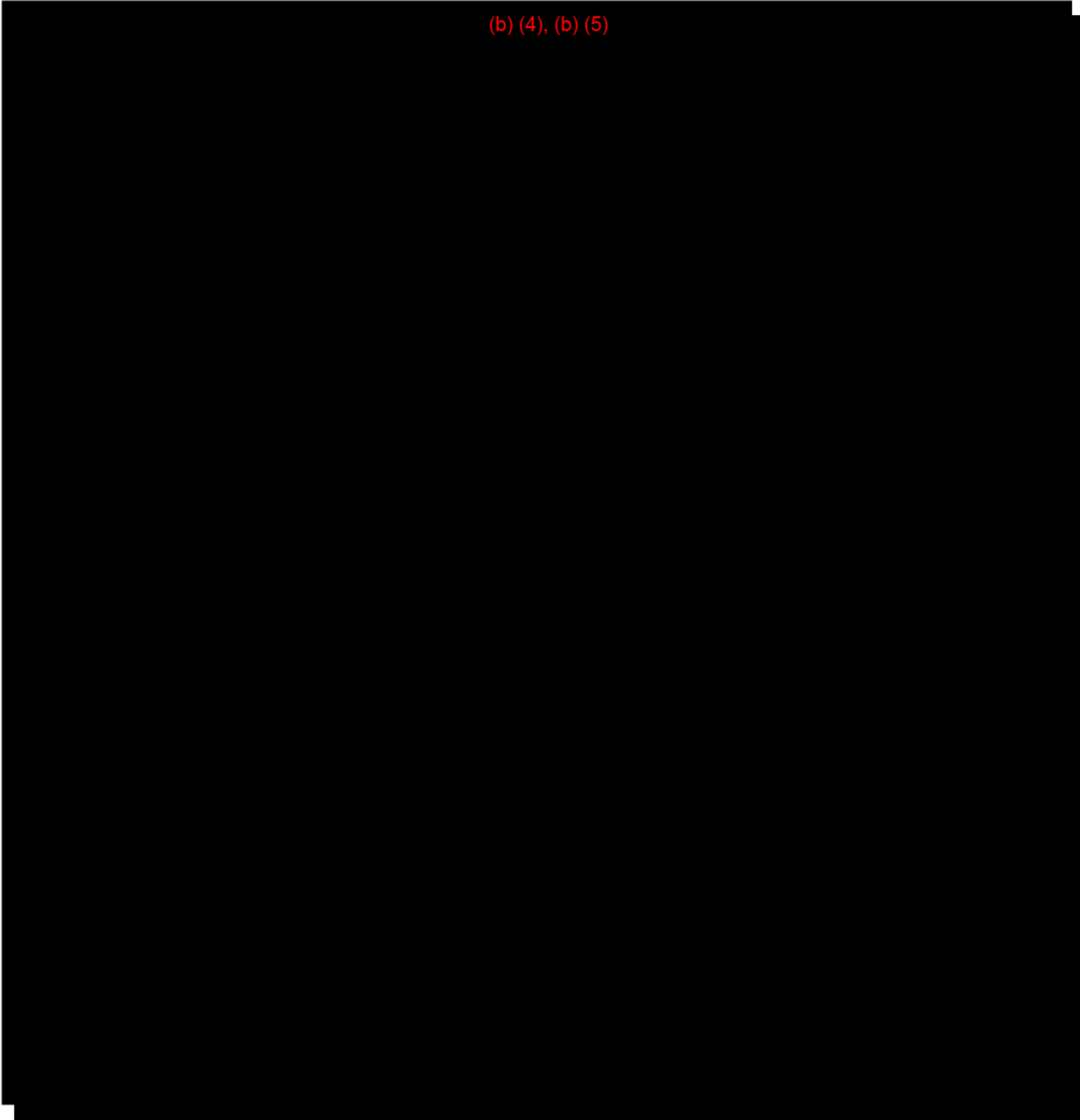
LEE F. SACHNOFF  
[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)  
(303) 297-2400

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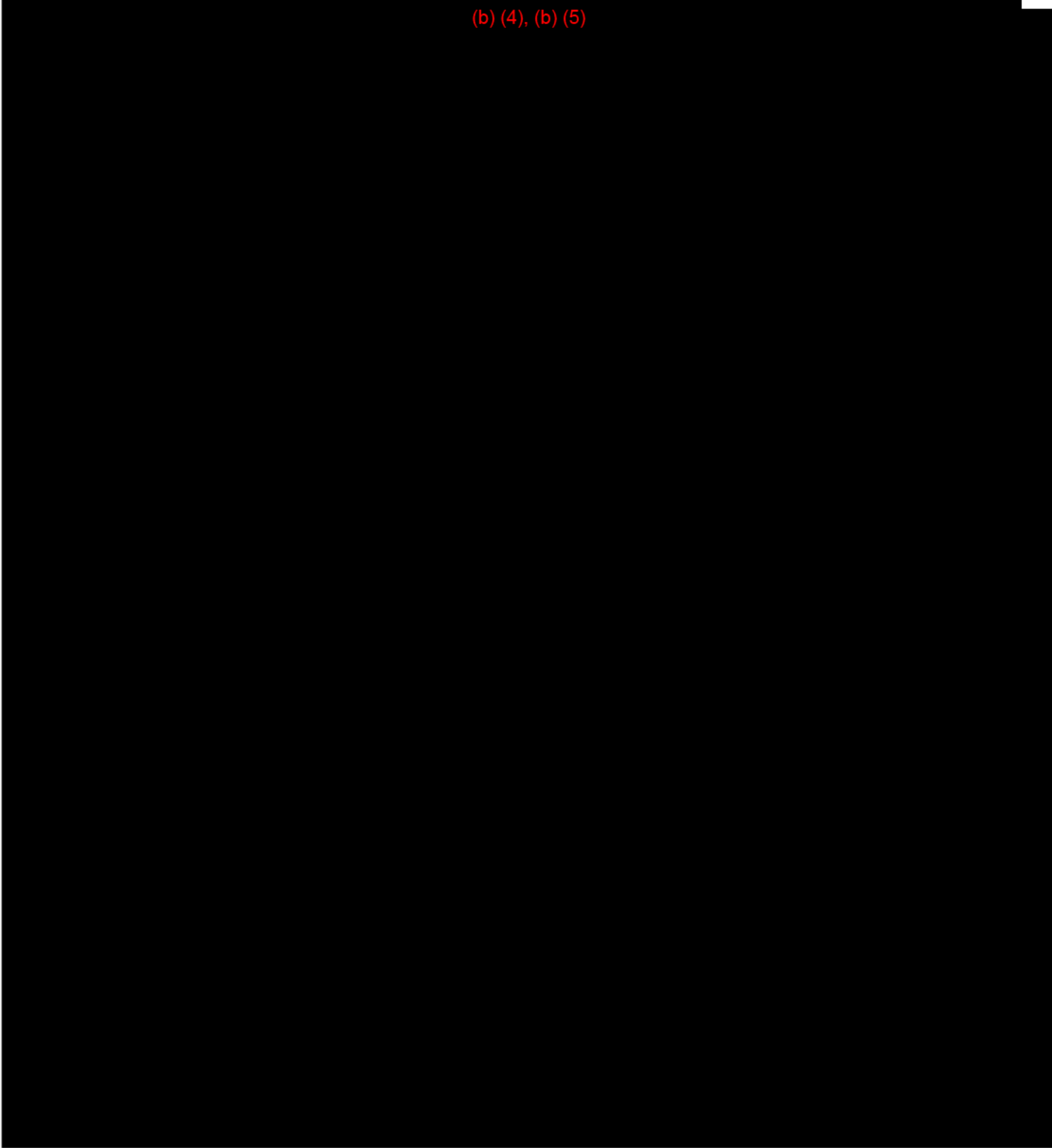
AMS FOIA Office - Gregory Bridges  
June 21, 2016  
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June 21, 2016  
Page 3

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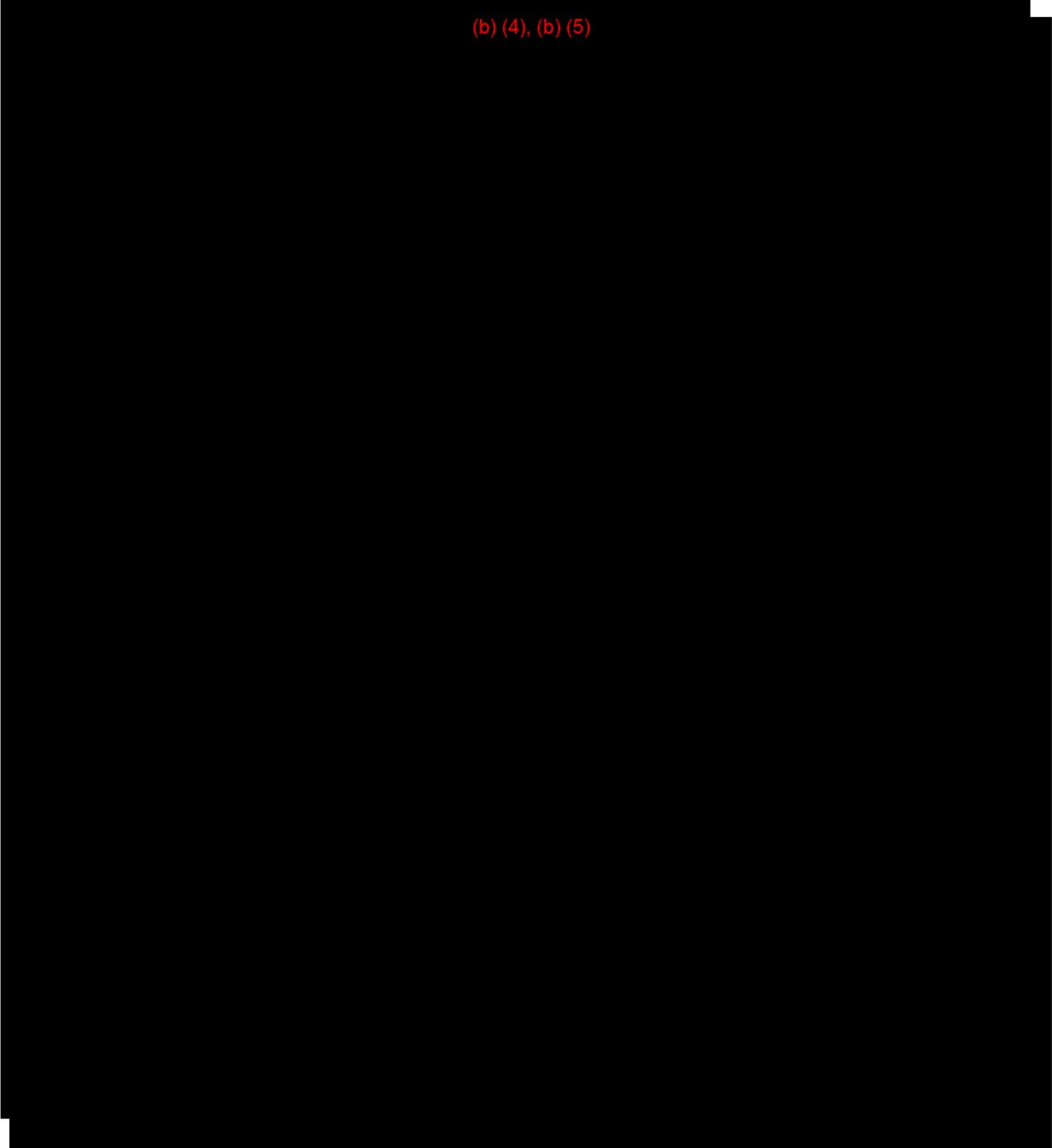
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June 21, 2016  
Page 4

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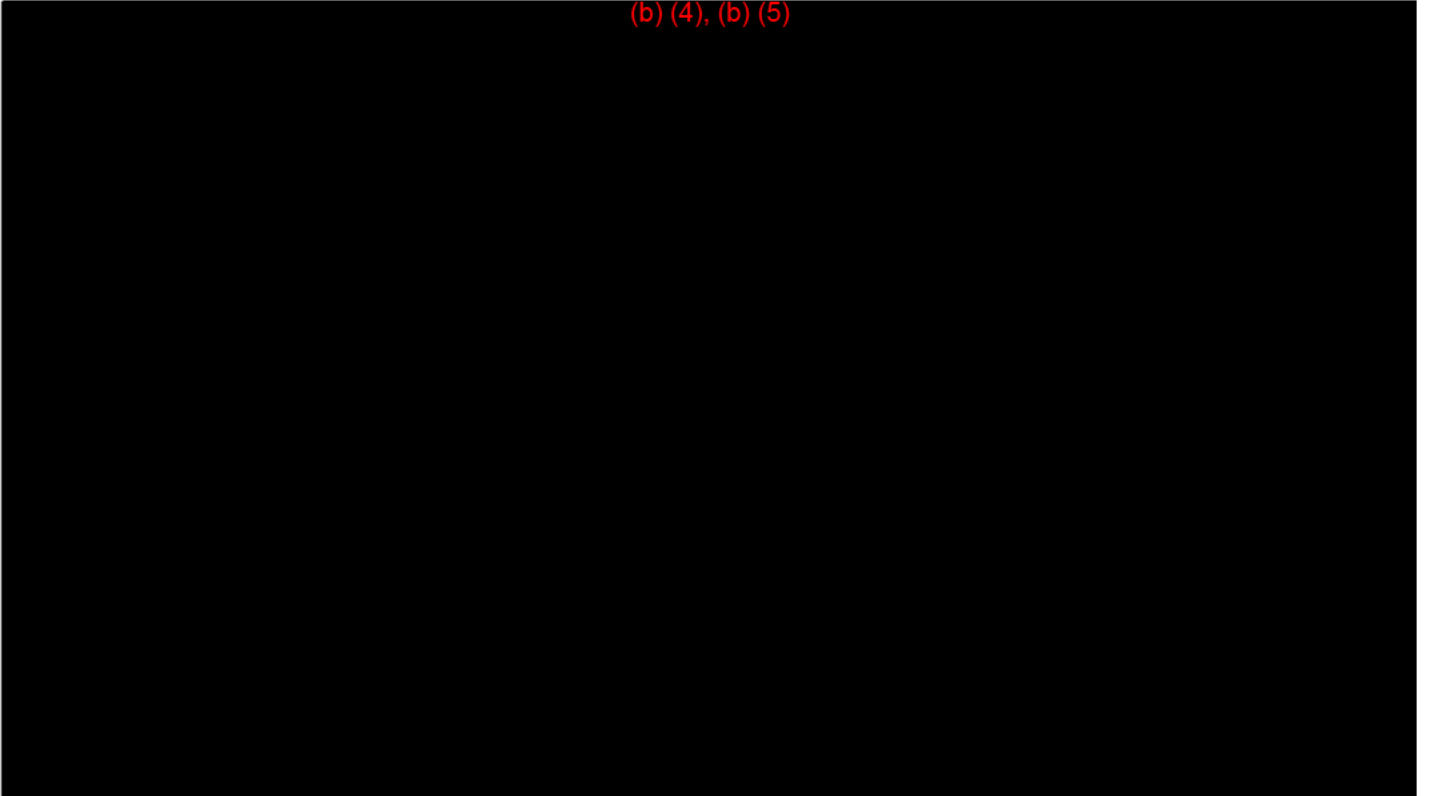
AMS FOIA Office - Gregory Bridges  
June 21, 2016  
Page 5

(b) (4), (b) (5)



AMS FOIA Office - Gregory Bridges  
June 21, 2016  
Page 6

(b) (4), (b) (5)



Sincerely yours,

Kutak Rock LLP

(b) (6)



Lee F. Sachnoff

Enclosures

cc: Aurora Organic Dairy  
Neil Arney, Esq.

## Bridges, Gregory - AMS

---

**From:** Bridges, Gregory - AMS  
**Sent:** Monday, May 02, 2016 4:18 PM  
**To:** 'Billie Ward'  
**Cc:** Ryan Miltner  
**Subject:** RE: Natural Prairie Dairy Farms, LLC - FOIA 2013-AMS-01201-F (EO12600 Response)

Hi Billie:

Your email was received.

---

**From:** Billie Ward [<mailto:billie@miltnerlawfirm.com>]  
**Sent:** Monday, May 02, 2016 1:47 PM  
**To:** Bridges, Gregory - AMS  
**Cc:** Ryan Miltner  
**Subject:** Natural Prairie Dairy Farms, LLC - FOIA 2013-AMS-01201-F (EO12600 Response)

Mr. Bridges,

I am attaching a letter from Ryan Miltner.

Please let me know if you have any trouble with the file.

Billie J. Ward  
Legal Assistant  
The Miltner Law Firm, LLC  
100 N. Main Street  
P.O. Box 477  
New Knoxville, OH 45871  
Ph: (866) 740-5219  
Fax: (866) 740-4123  
Email: [billie@miltnerlawfirm.com](mailto:billie@miltnerlawfirm.com)



RYAN K. MILTNER

ADMITTED IN OHIO AND MICHIGAN  
RYAN@MILTNERLAWFIRM.COM



KRISTINE H. REED

ADMITTED IN OHIO, INDIANA, AND GEORGIA  
KRISTINE@MILTNERLAWFIRM.COM

Via e-mail only to [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

(b) (4), (b) (5), (b) (6)

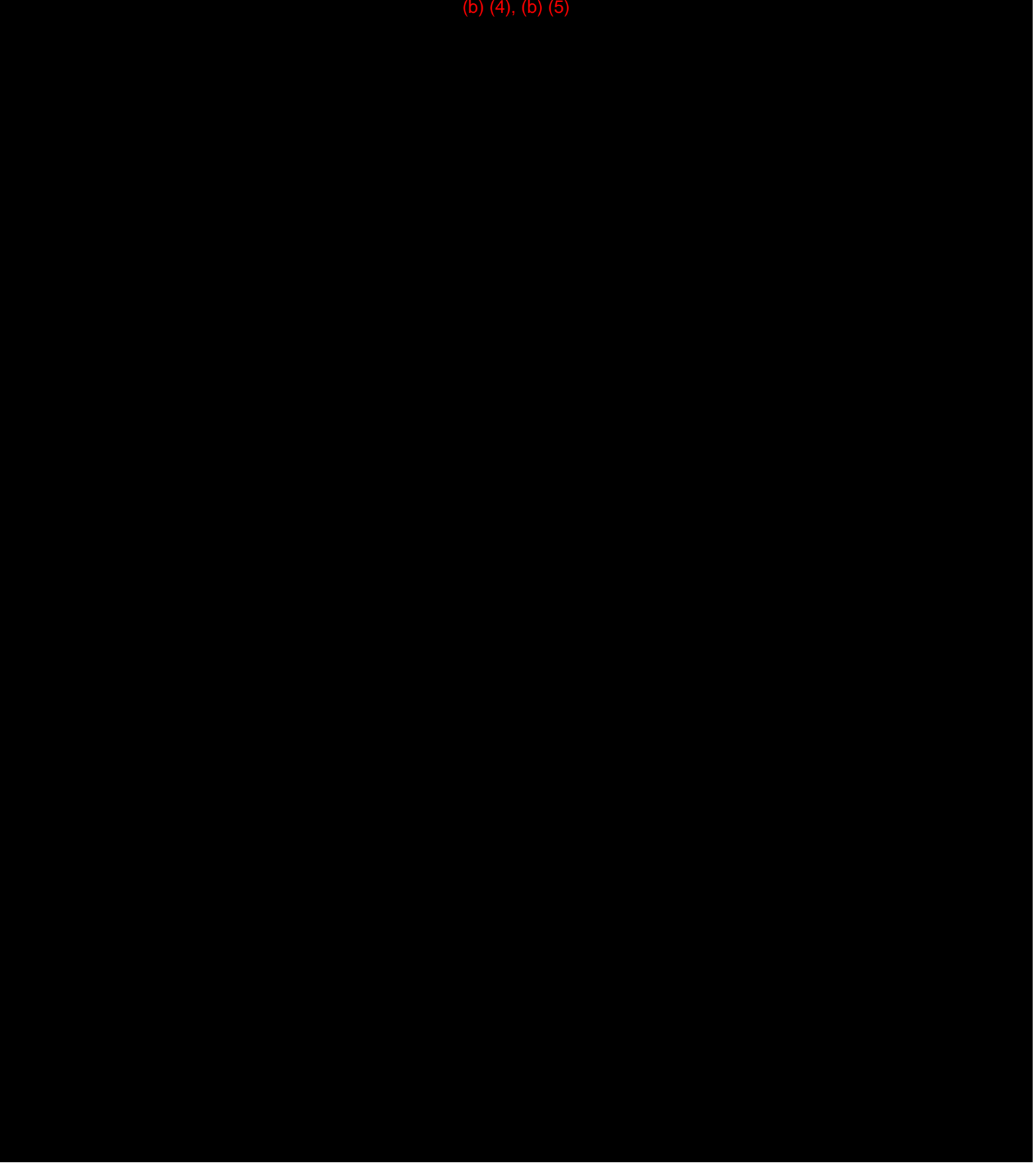
100 N MAIN STREET P.O. Box 477 NEW KNOXVILLE, OH 45871  
7588 CENTRAL PARKE BLVD., SUITE 310 MASON, OH 45040  
PHONE: (866) 740-5219 WWW.MILTNERLAWFIRM.COM FAX: (866) 740-4123

Mr. Gregory Bridges

May 2, 2016

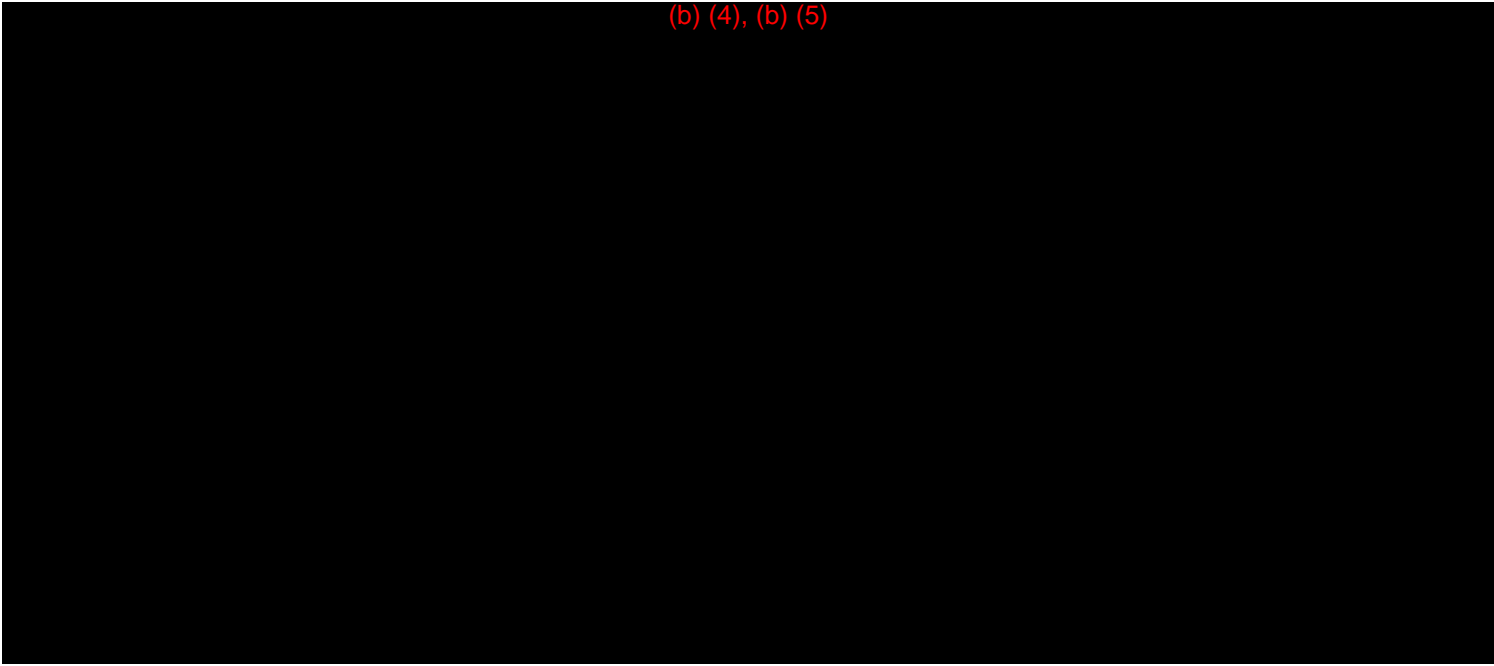
Page 2 of 3

(b) (4), (b) (5)



Mr. Gregory Bridges  
May 2, 2016  
Page 3 of 3

(b) (4), (b) (5)



Sincerely yours,

(b) (6)



Ryan K. Miltner  
Counsel for Natural Prairie Dairy Farms, LLC

## **Bridges, Gregory - AMS**

---

**From:** Vargas, Nguyen T. <Nguyen.Vargas@KutakRock.com>  
**Sent:** Tuesday, June 21, 2016 10:57 AM  
**To:** Bridges, Gregory - AMS  
**Cc:** 'Juanv@AuroraOrganic.com'; Gary Sebek; brentc@AODMilk.com; Arney, Neil L.; Sachnoff, Lee F.  
**Subject:** FOIA 2013-AMS-01201-F (EO12600 Response)  
**Attachments:** Bridges Letter 6.21.16.pdf; Enclosures to Bridges Letter 6.21.16.pdf

Mr. Bridges:

At the request of Lee F. Sachnoff, please find the attached correspondence and enclosures.

Please contact Mr. Sachnoff with any questions.

Very truly yours,

Nguyen T. Vargas, Corporate Legal Secretary Kutak Rock LLP  
1801 California Street, Suite 3000  
Denver, CO 80202  
Telephone: (303) 297-2400  
Direct: (303) 292-7733  
Email: [nguyen.vargas@kutakrock.com](mailto:nguyen.vargas@kutakrock.com)

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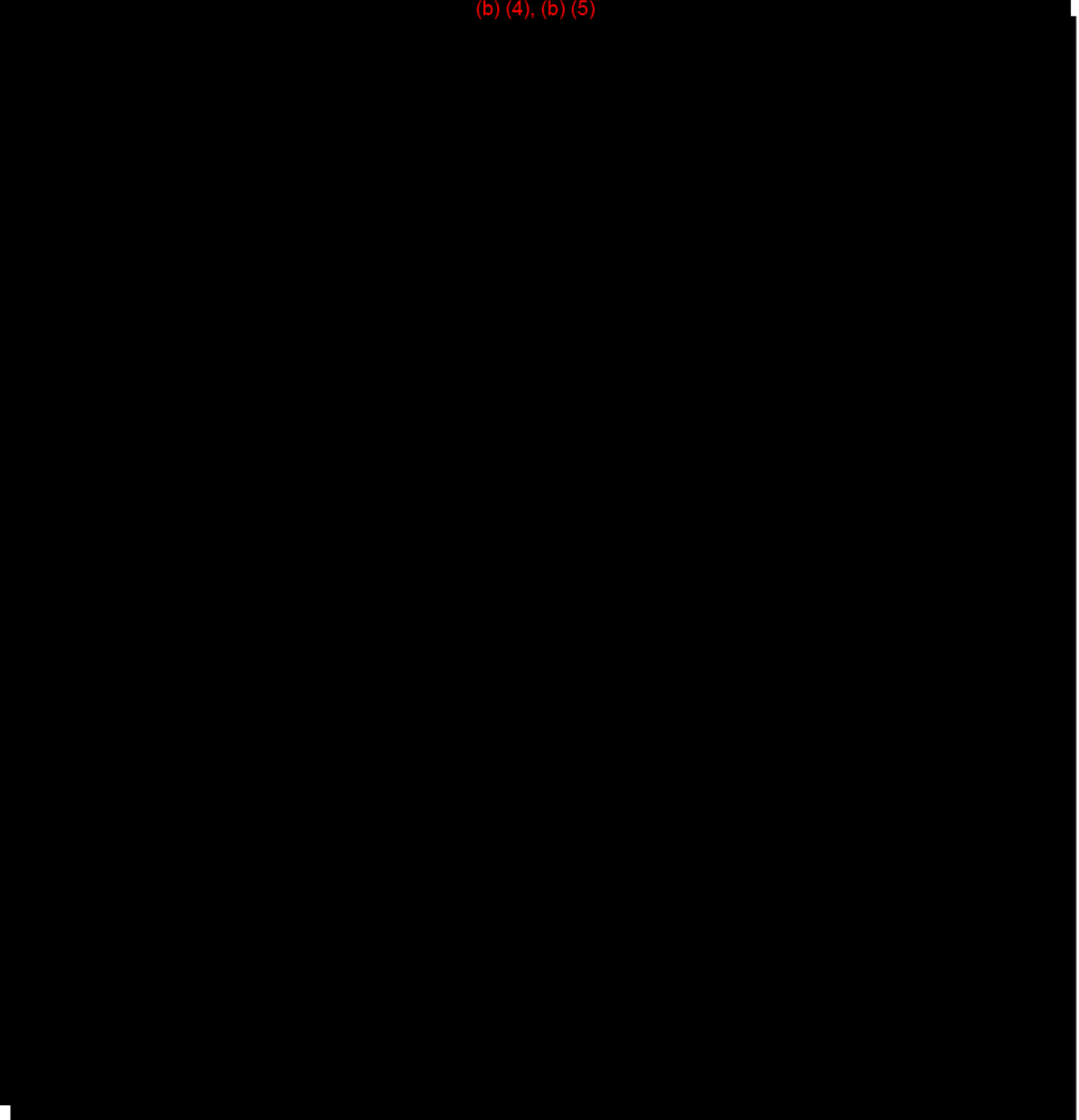
LEE F. SACHNOFF  
[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)  
(303) 297-2400

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June 21, 2016  
Page 2

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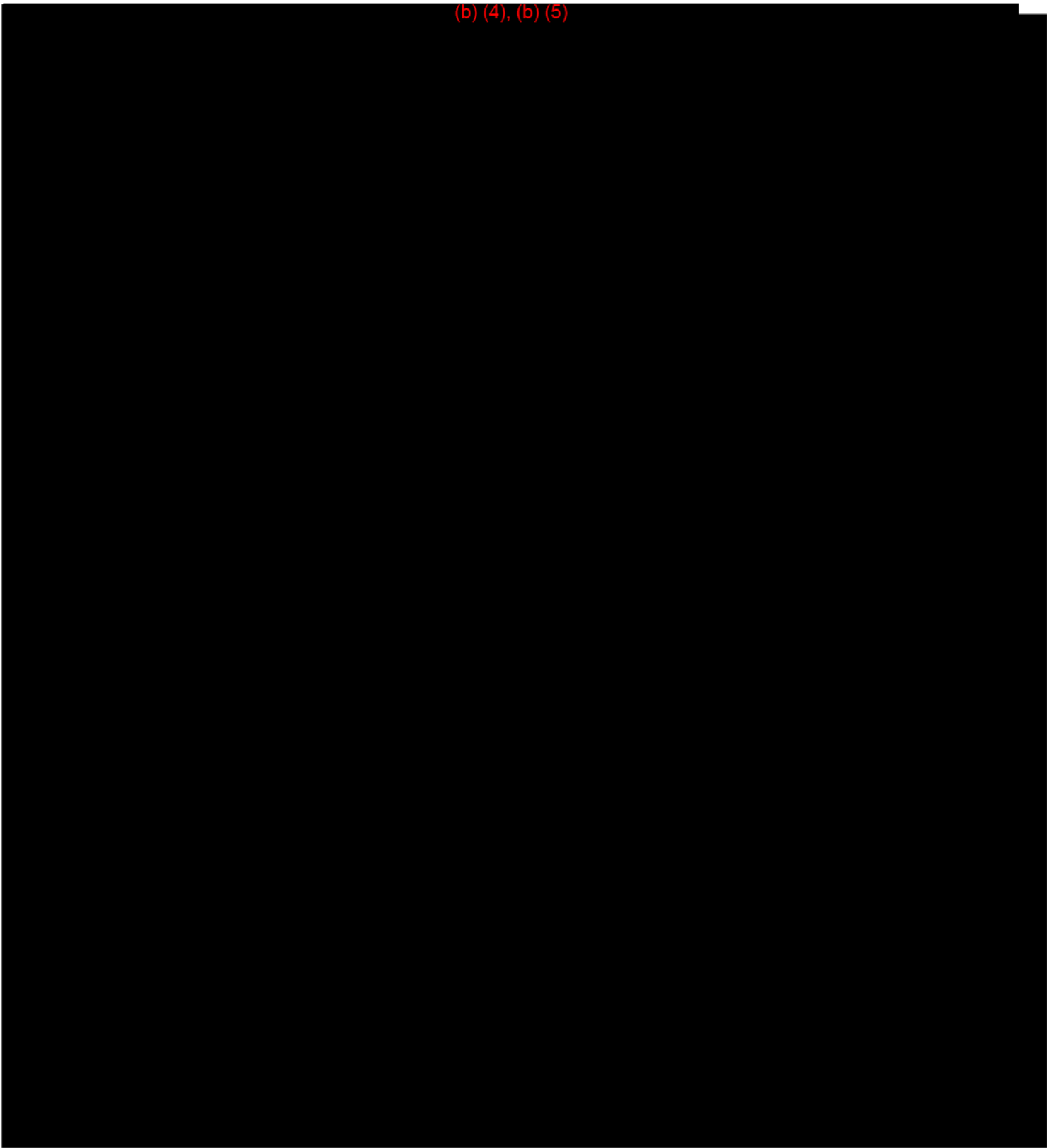


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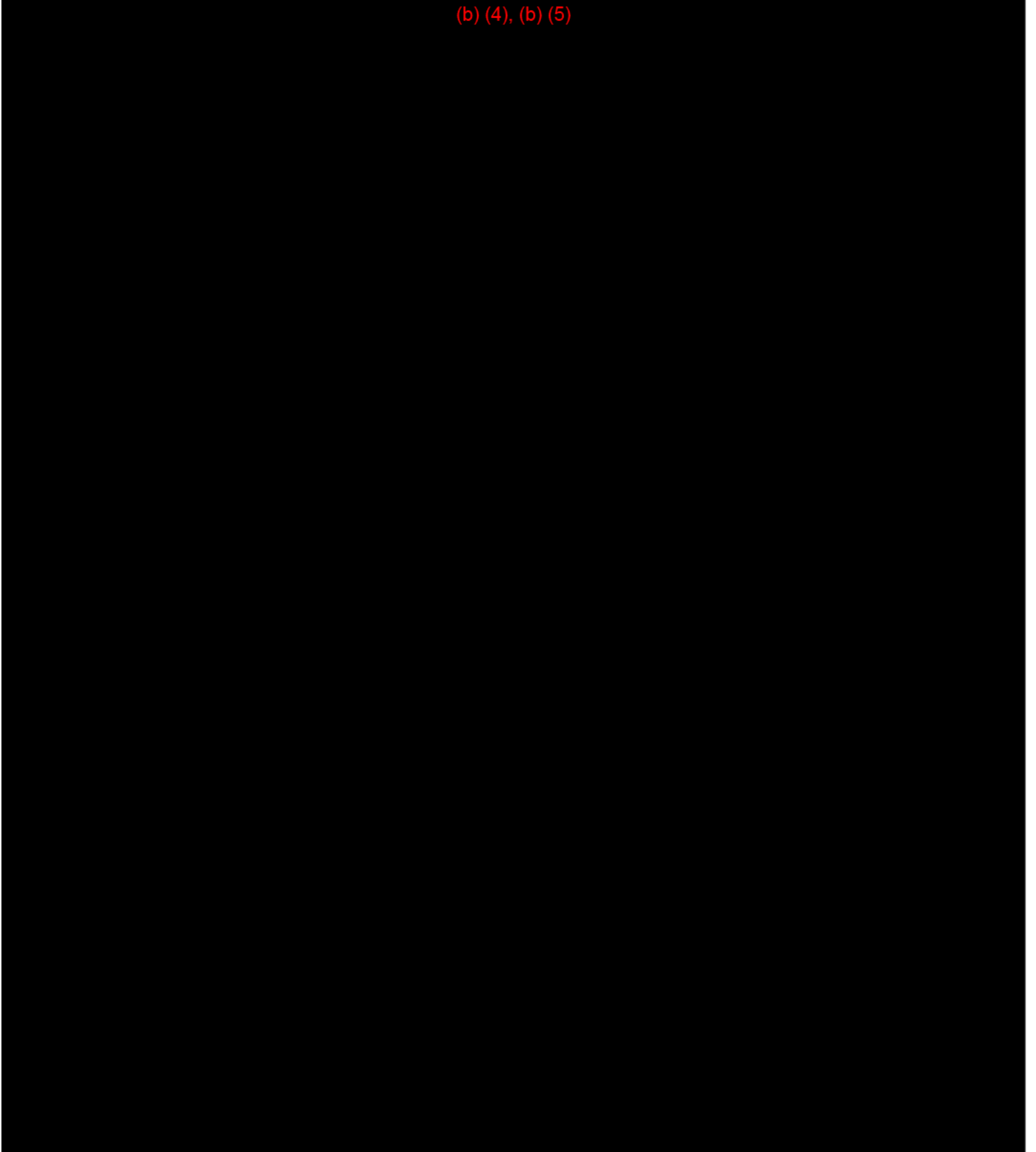
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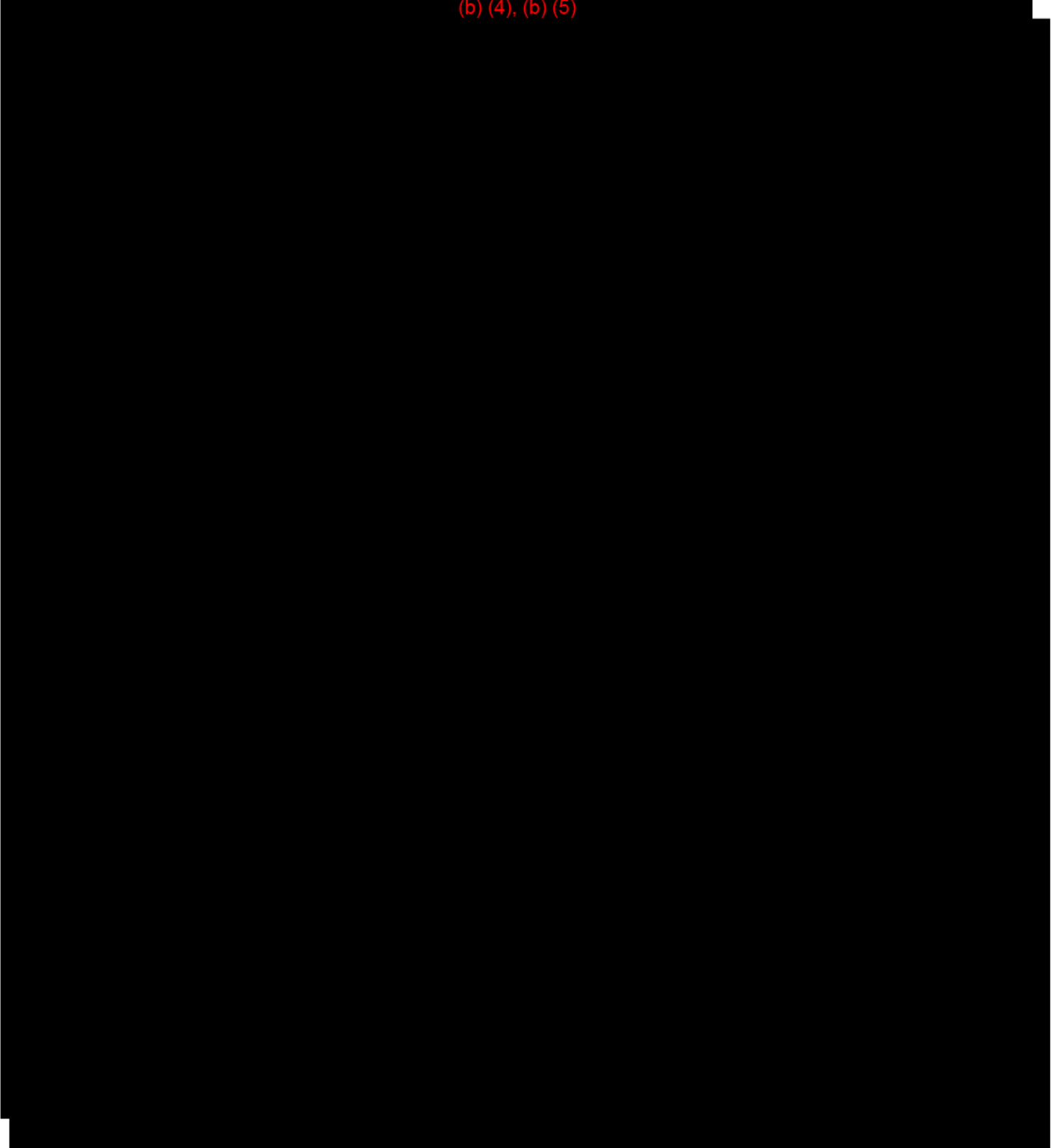
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Page 5

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June 21, 2016  
Page 6

(b) (4), (b) (5)



Sincerely yours,

Kutak Rock LLP

(b) (6)



Lee F. Sachnoff

Enclosures

cc: Aurora Organic Dairy  
Neil Arney, Esq.

## Bridges, Gregory - AMS

---

**From:** Slagle, Edna M. <Edna.Slagle@KutakRock.com>  
**Sent:** Friday, April 29, 2016 5:03 PM  
**To:** Bridges, Gregory - AMS  
**Cc:** Arney, Neil L.; Sachnoff, Lee F.  
**Subject:** FOIA 2013-AMS-01201-F (EO12600 Response).PDF  
**Attachments:** 2016-04-29 LTR (Arney to USDA) re FOIA 2013-AMS-01201-F (EO12600 Response).PDF;  
(b) (5)

Dear Mr. Gregory:

On behalf of Neil Arney of this office, please see the attached in connection with the above-referenced matter. (b) (5)

Edna Slagle | Legal Assistant  
KUTAK ROCK LLP  
1801 California Street  
Suite 3000  
Denver, CO 80202-2626  
(303) 297-2400 ext. 5860 - Telephone  
(303) 292-7799 - Facsimile  
[www.kutakrock.com](http://www.kutakrock.com)

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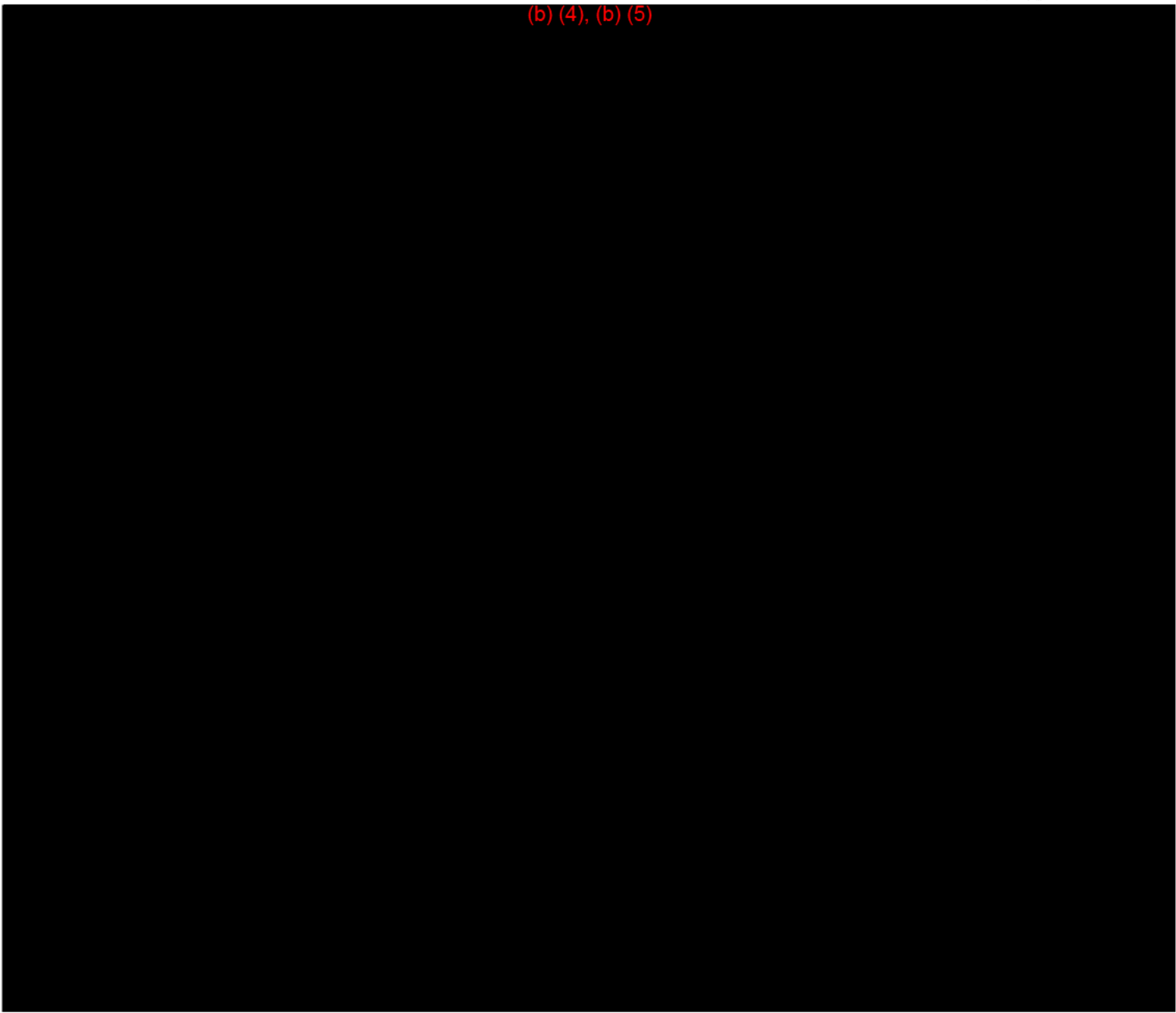
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NEIL L. ARNEY  
neil.arney@kutakrock.com  
(303) 292-7882

**VIA EMAIL TO  
GREGORY.BRIDGES@AMS.USDA.GOV  
AND OVERNIGHT DELIVERY**

(b) (4), (b) (5)



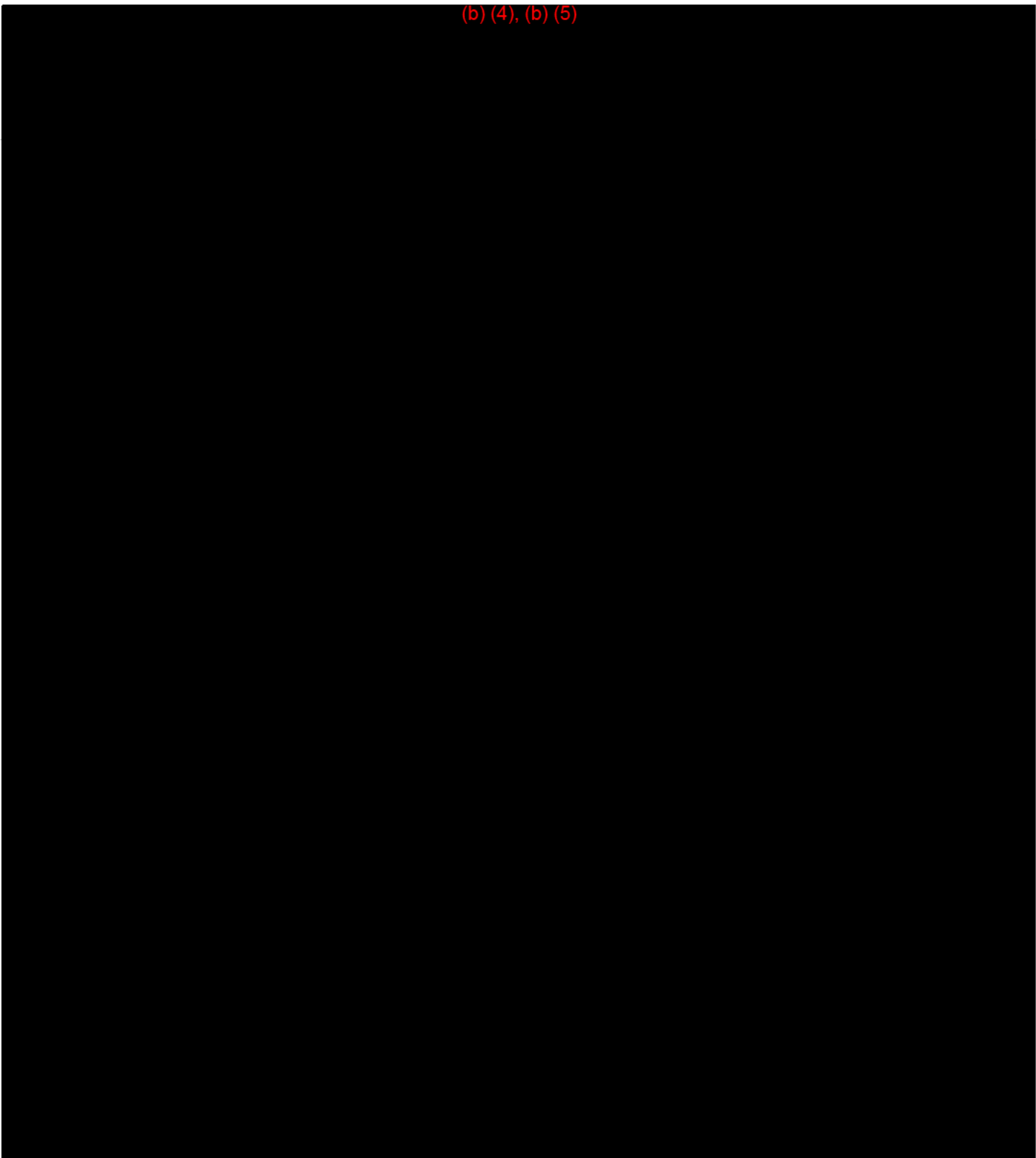
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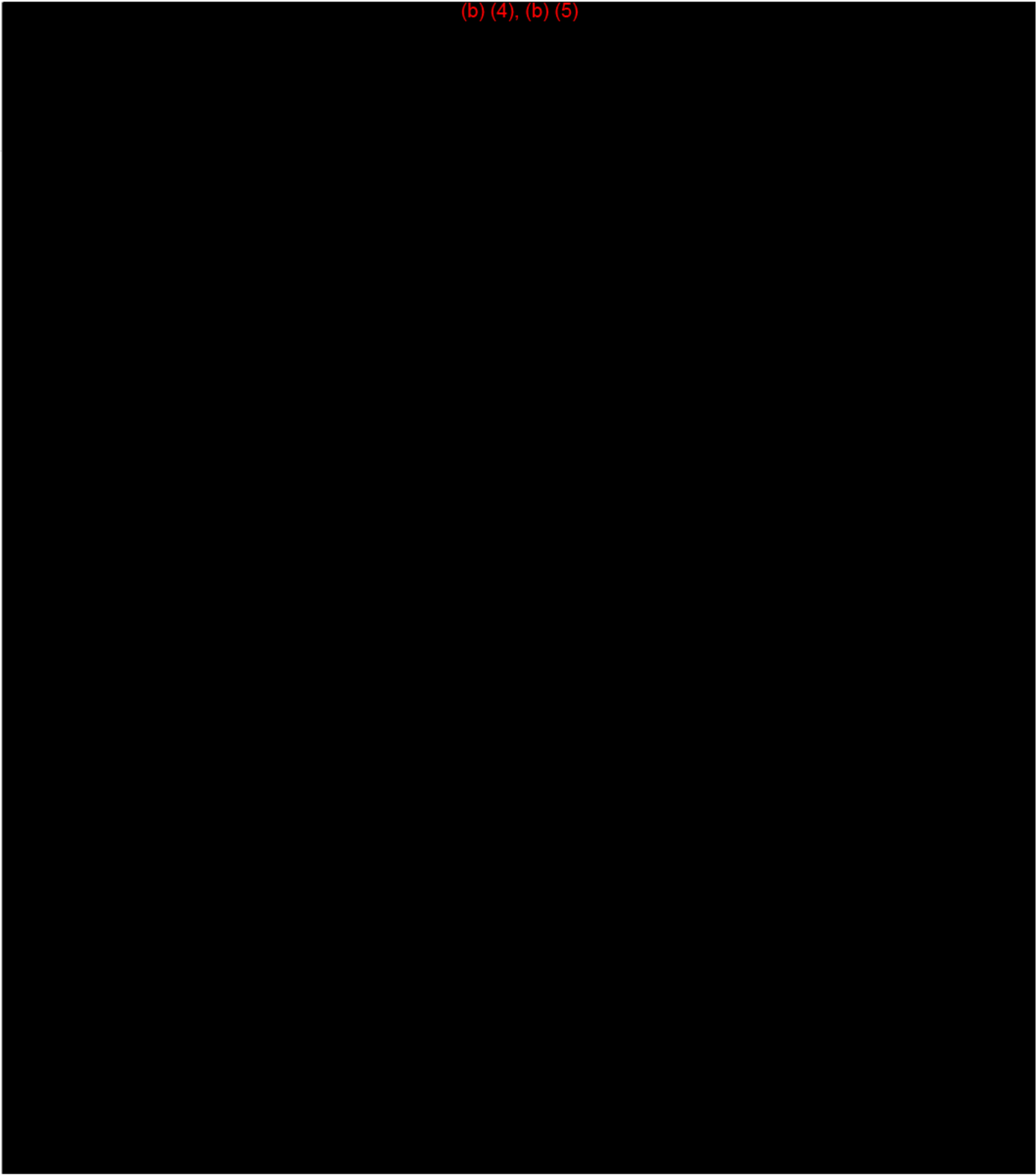


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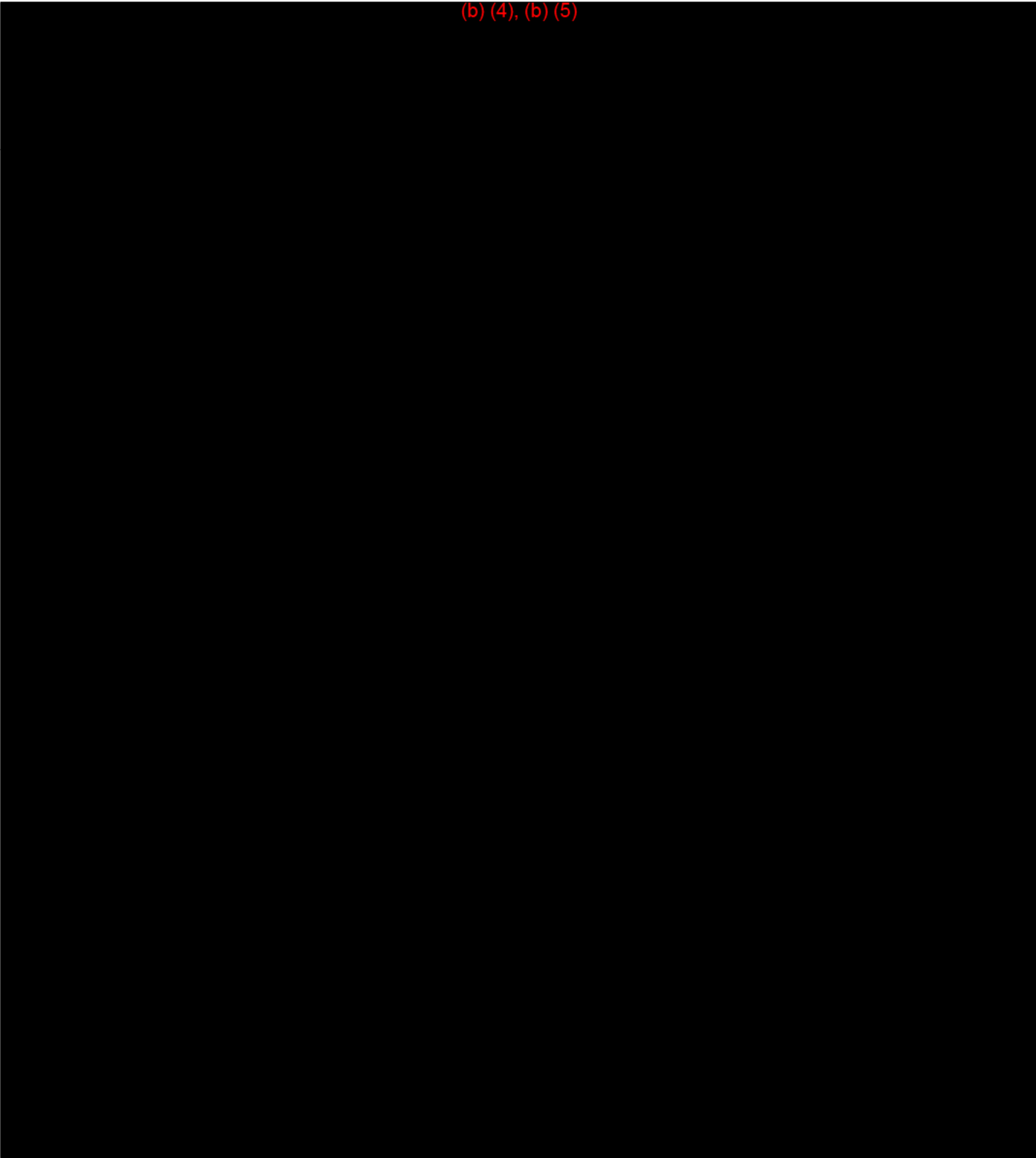
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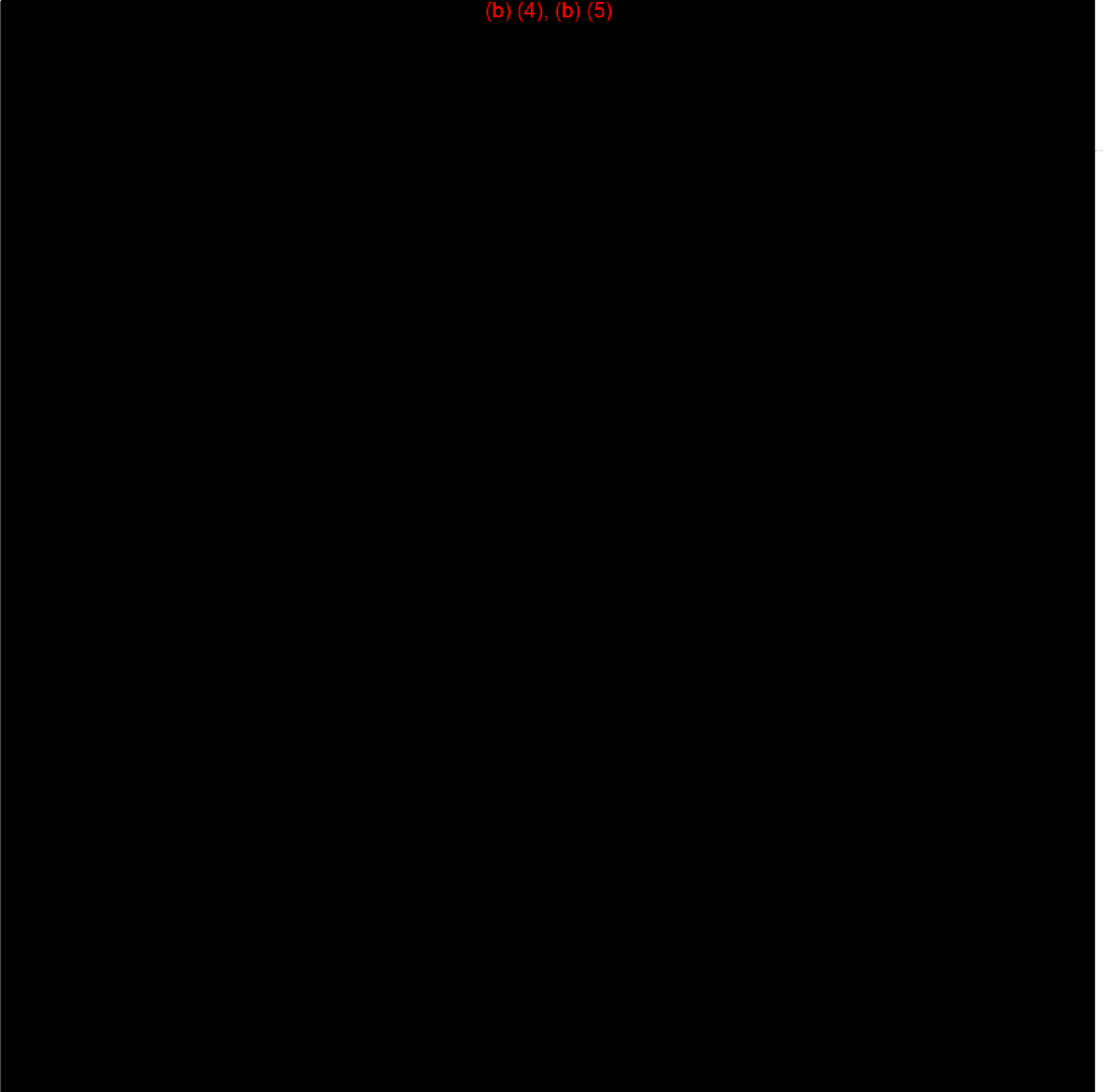




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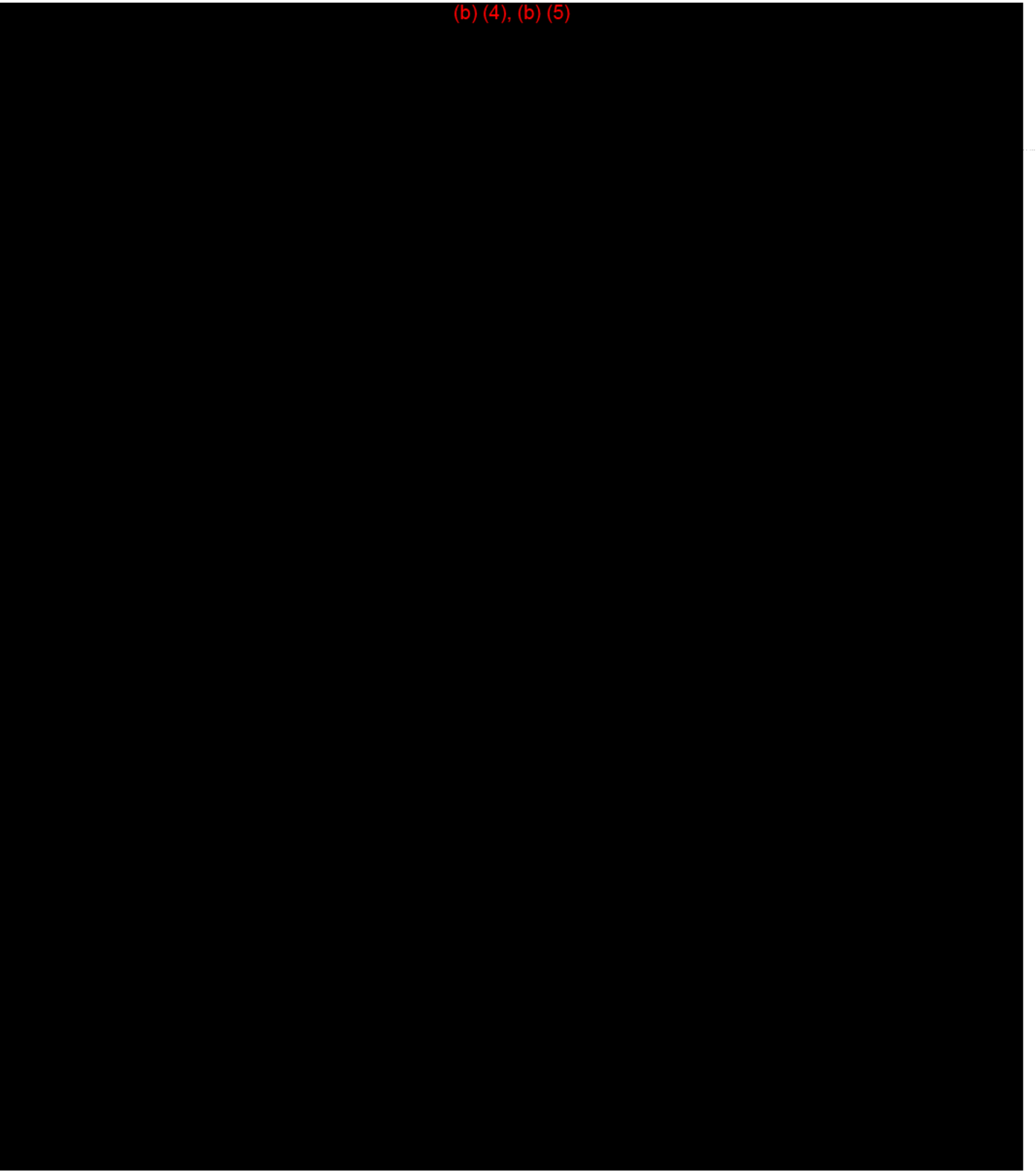
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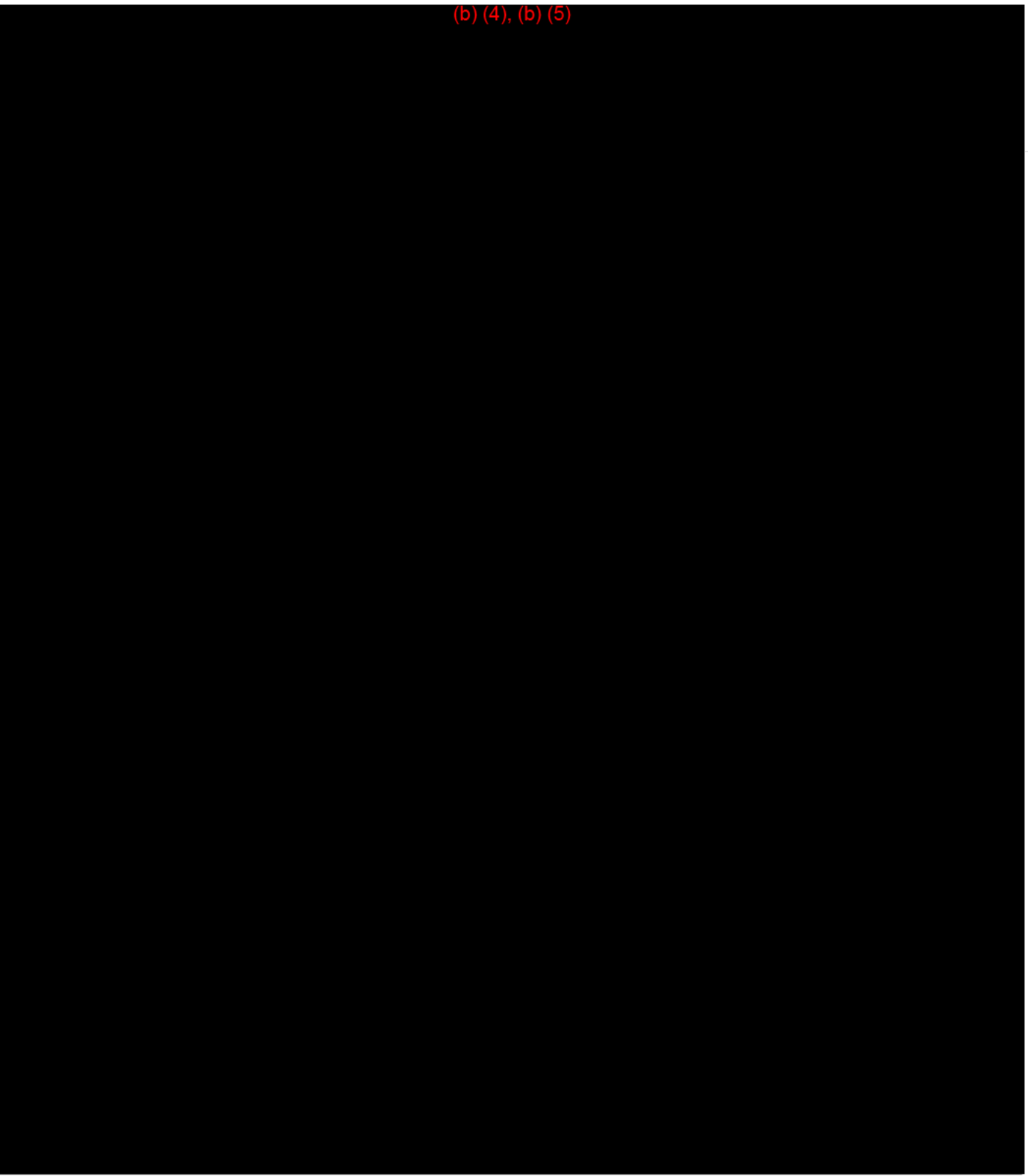
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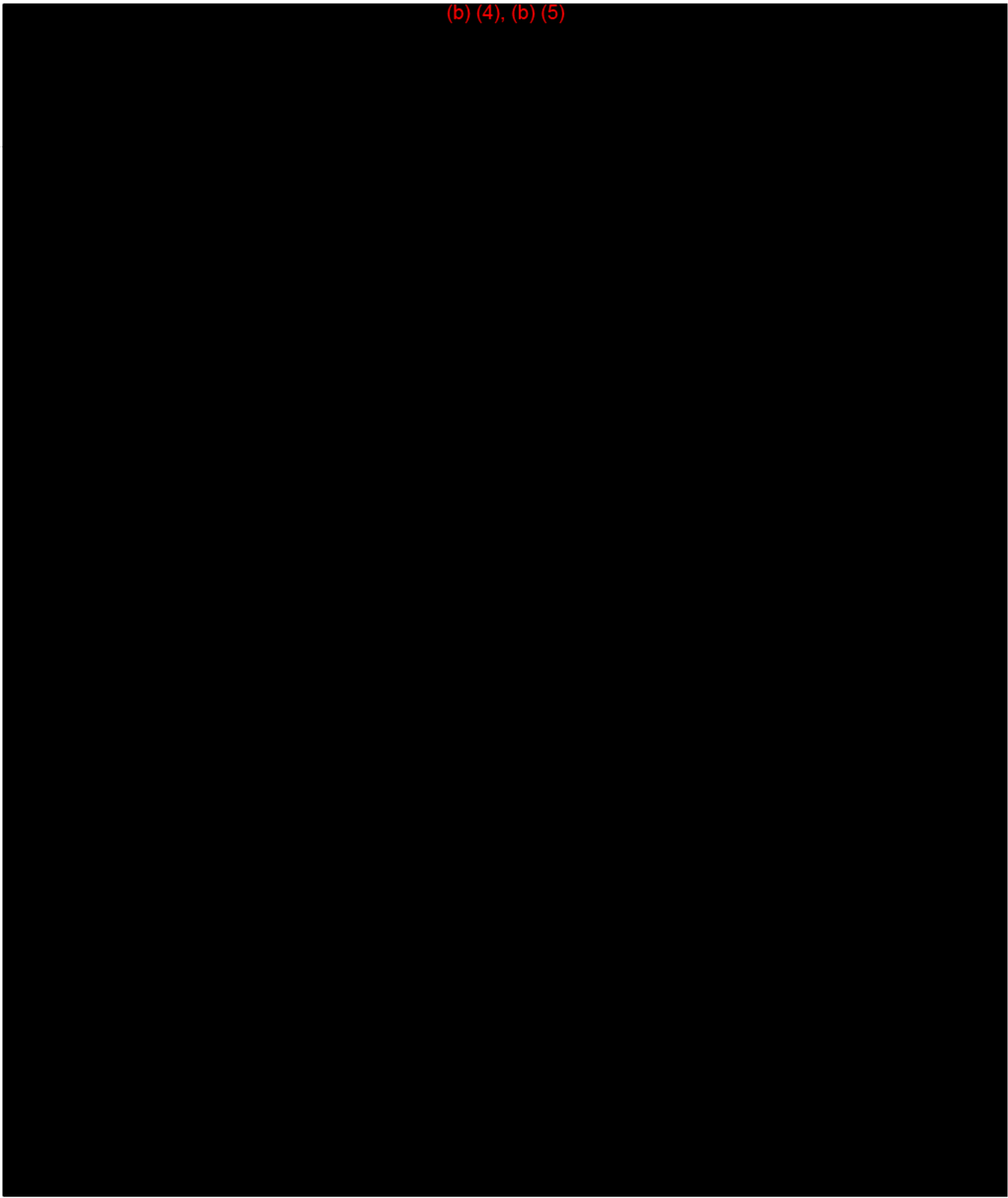
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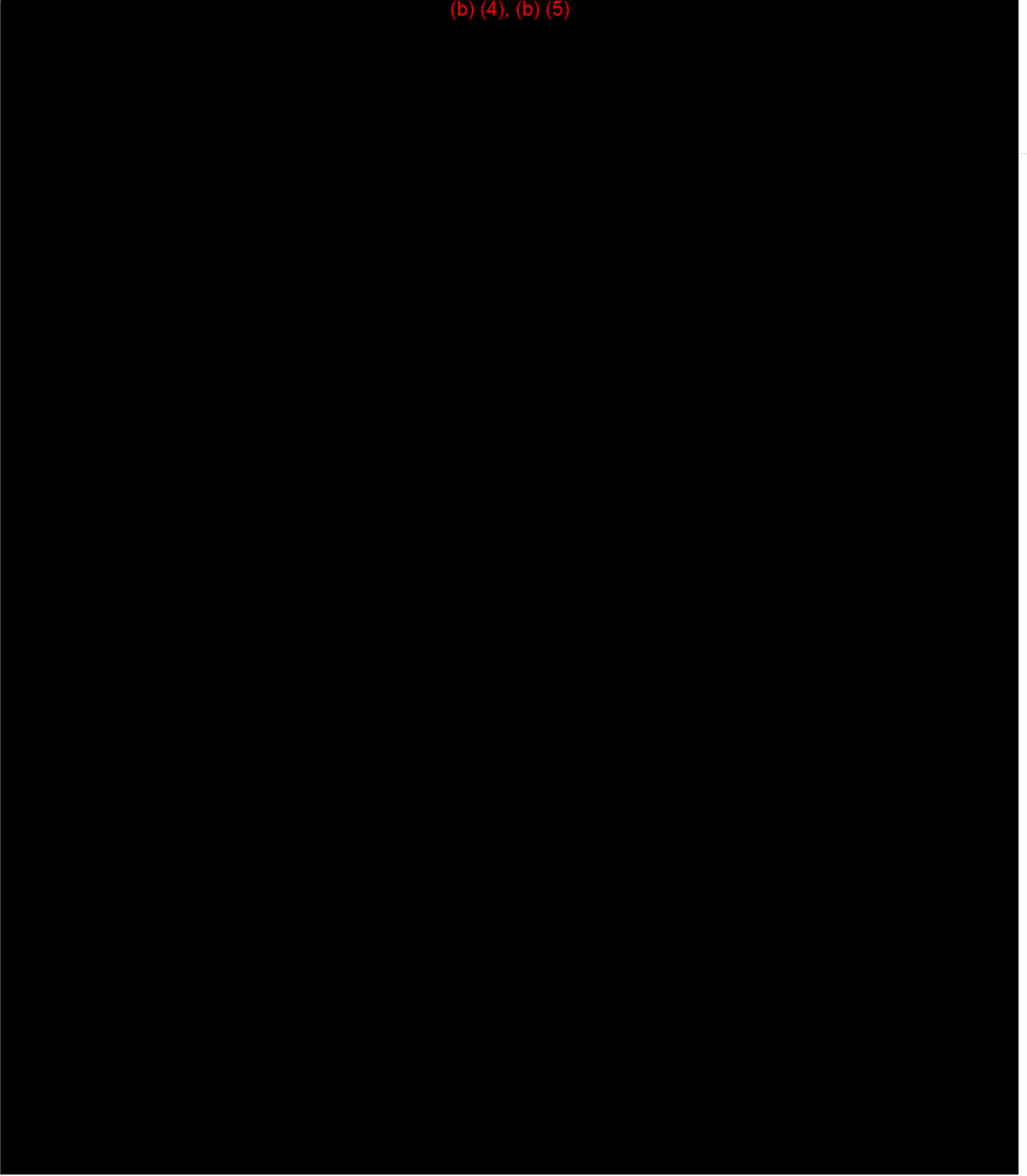
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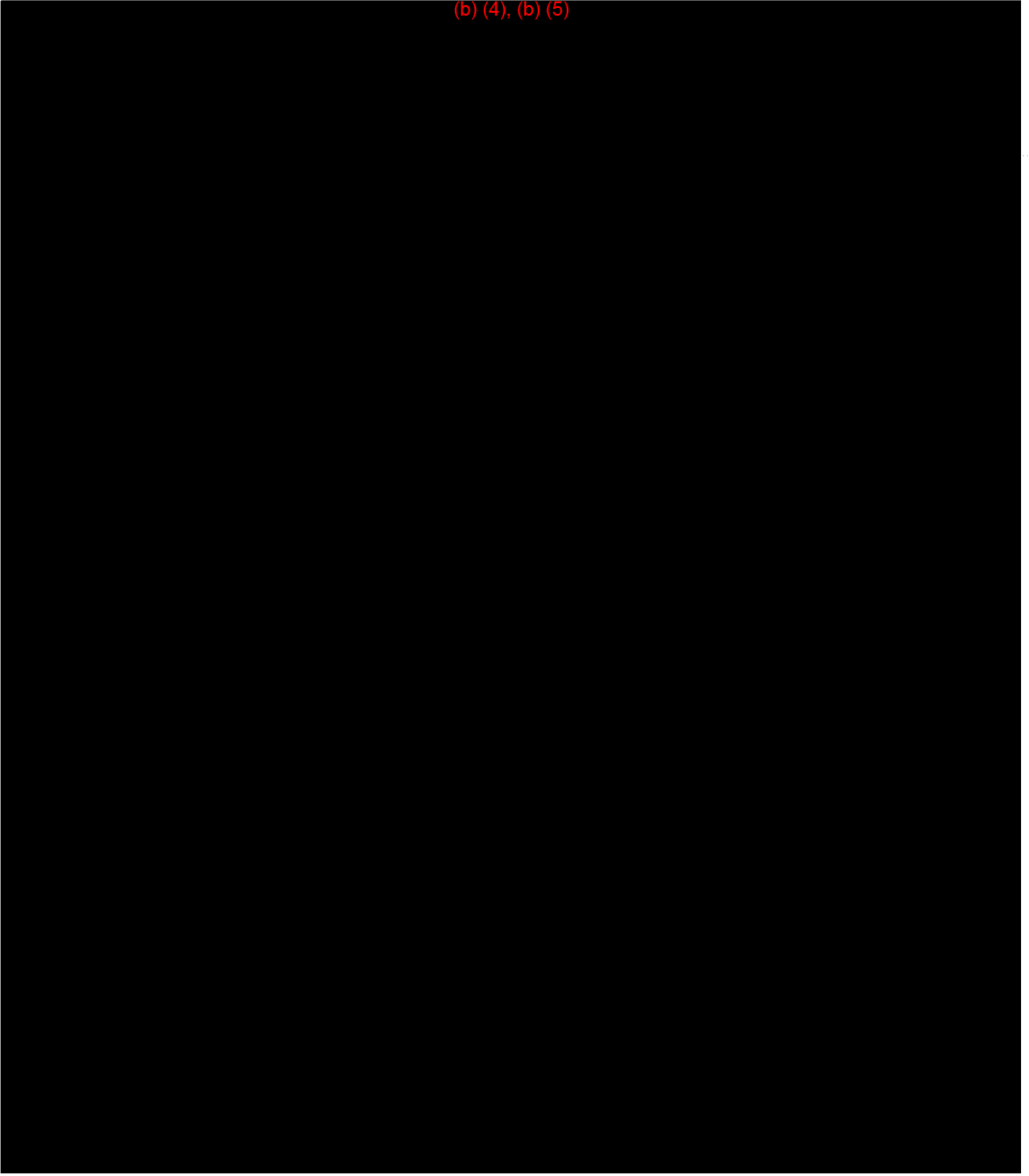


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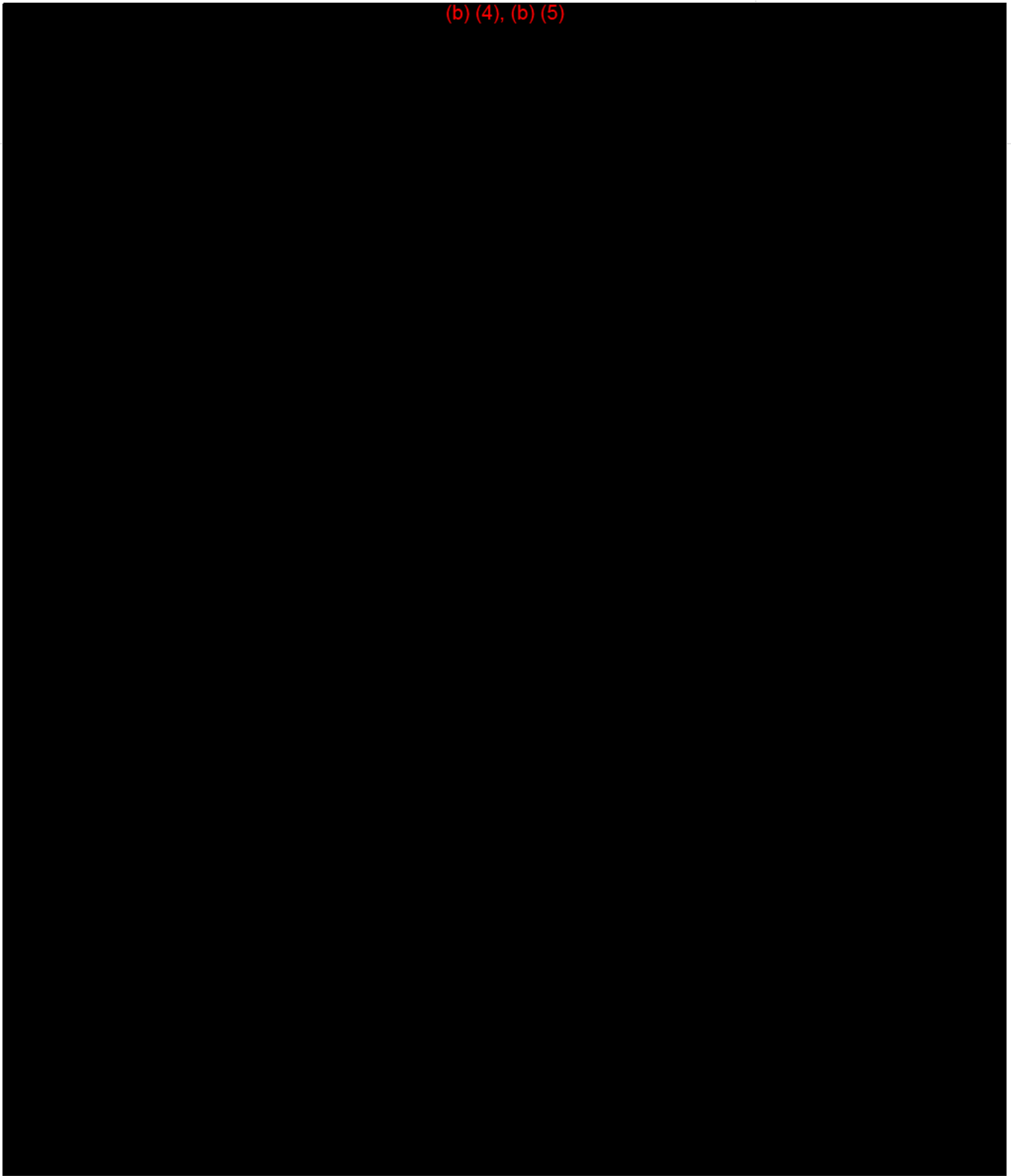
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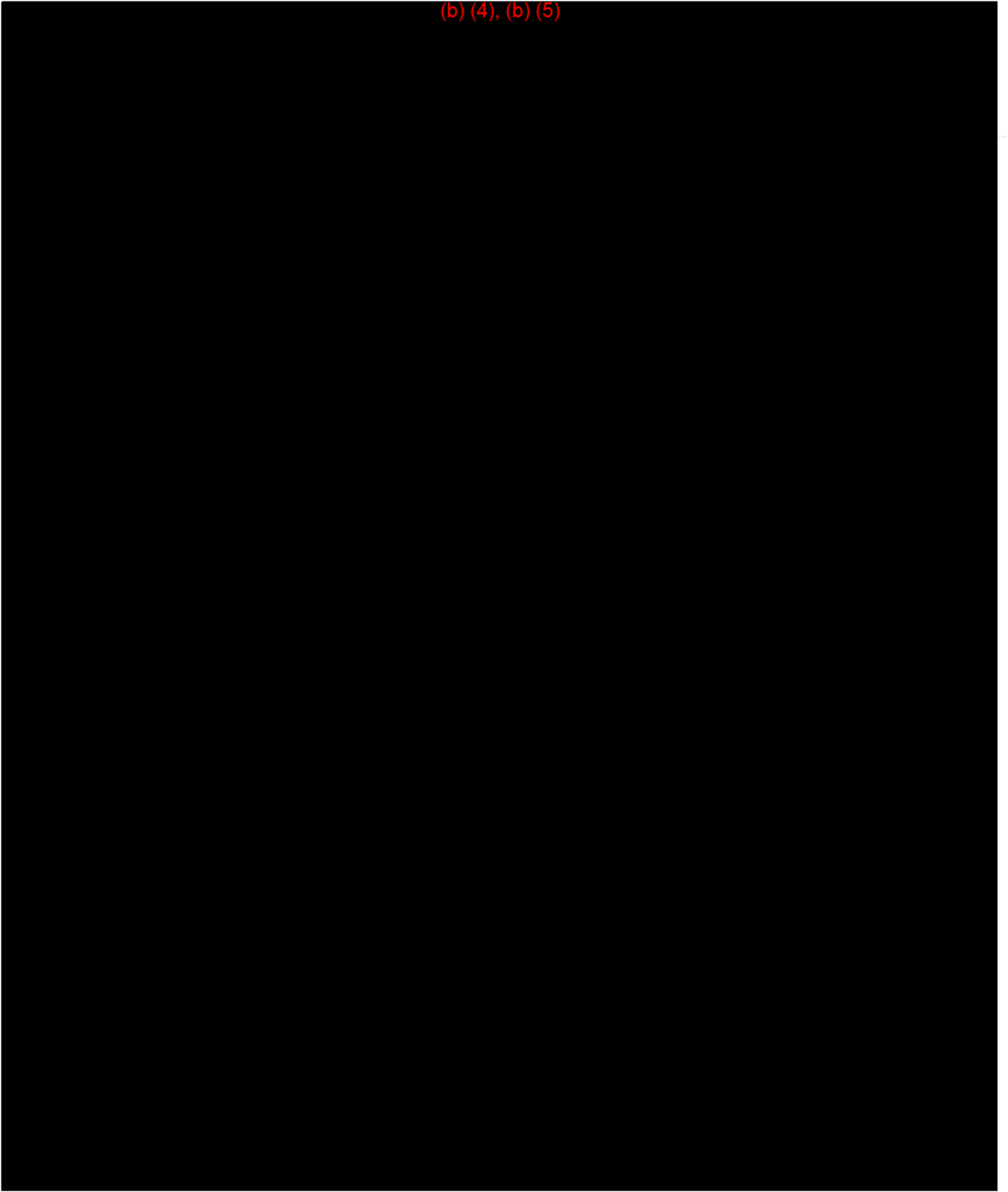
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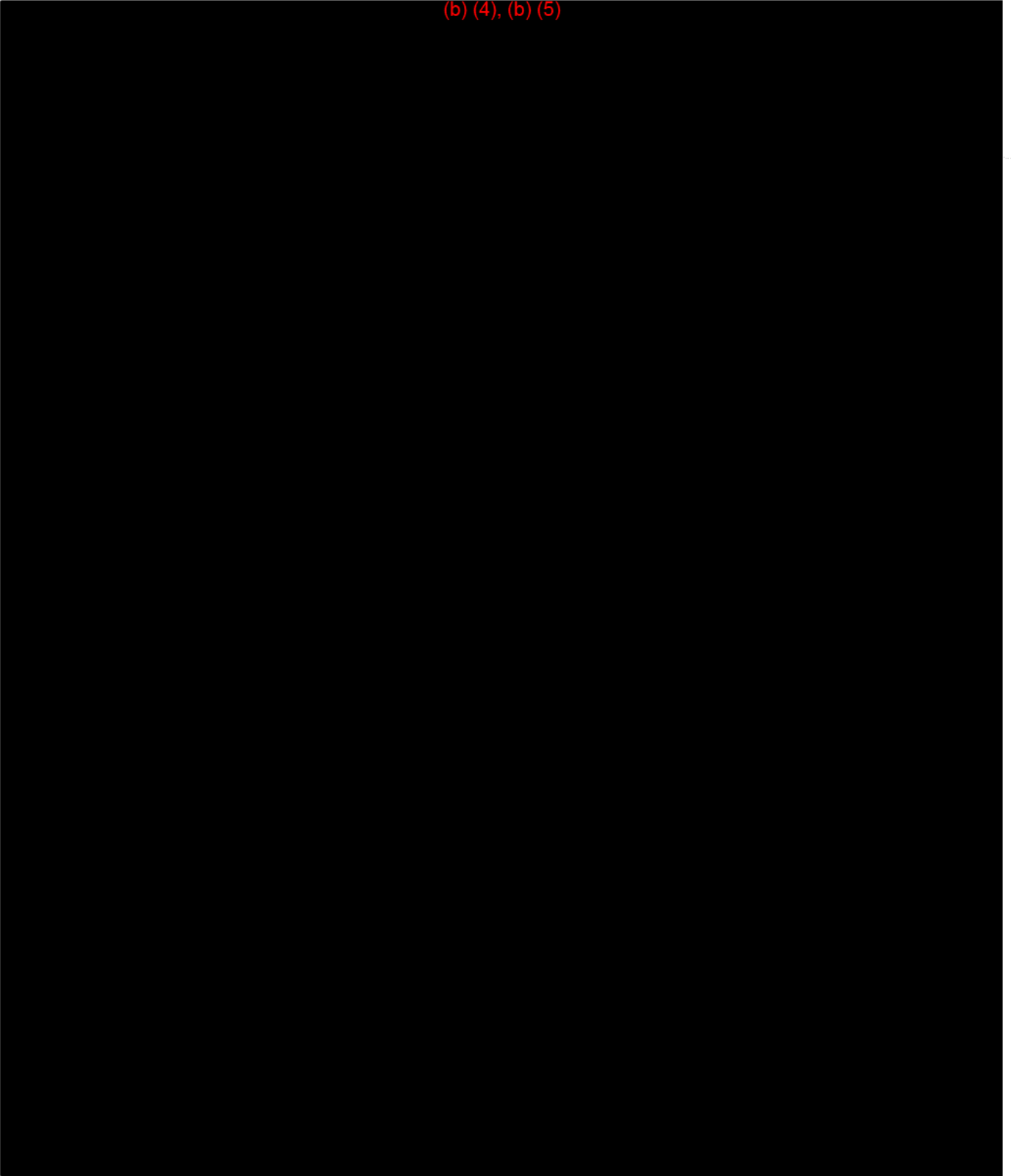
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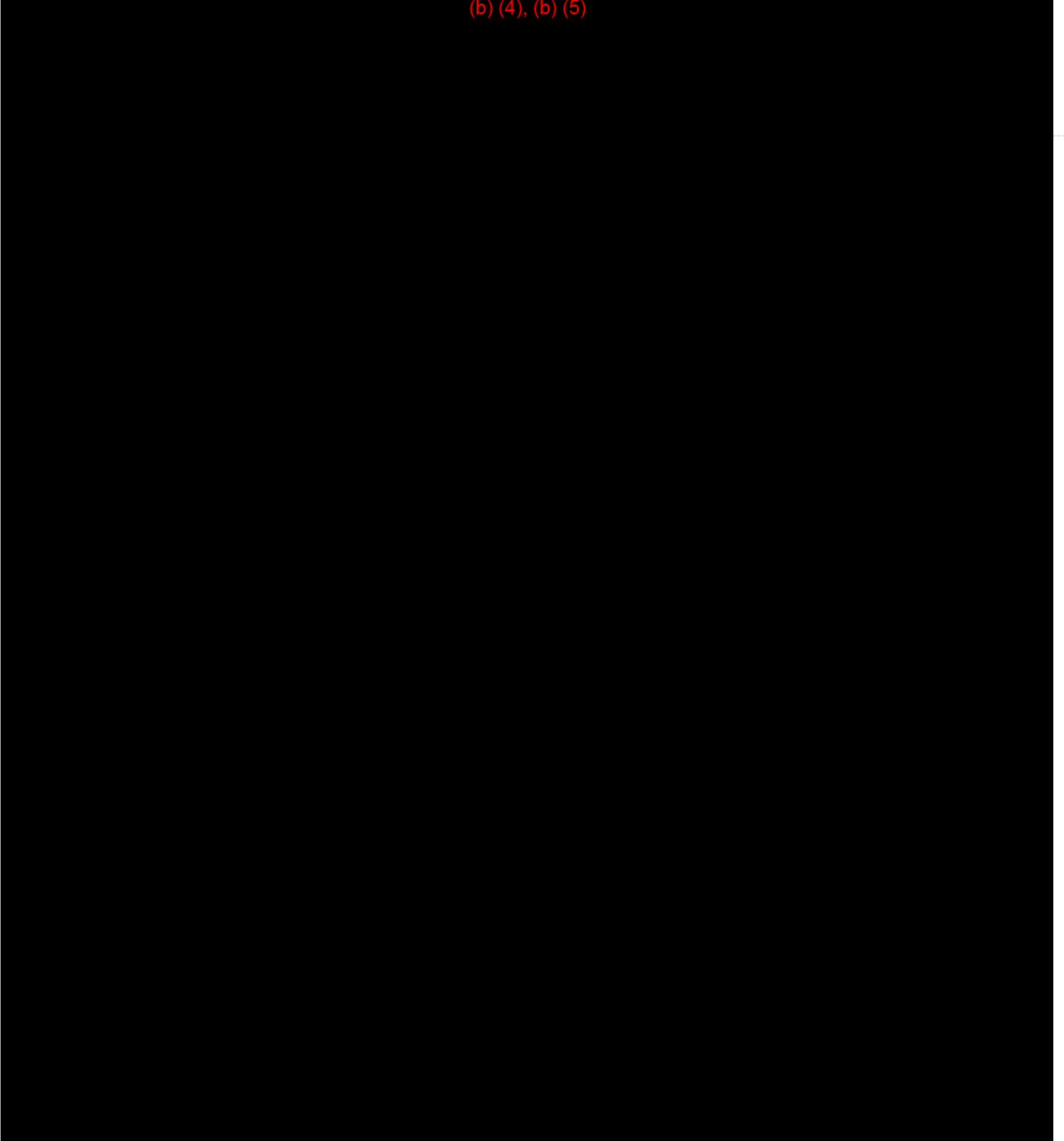


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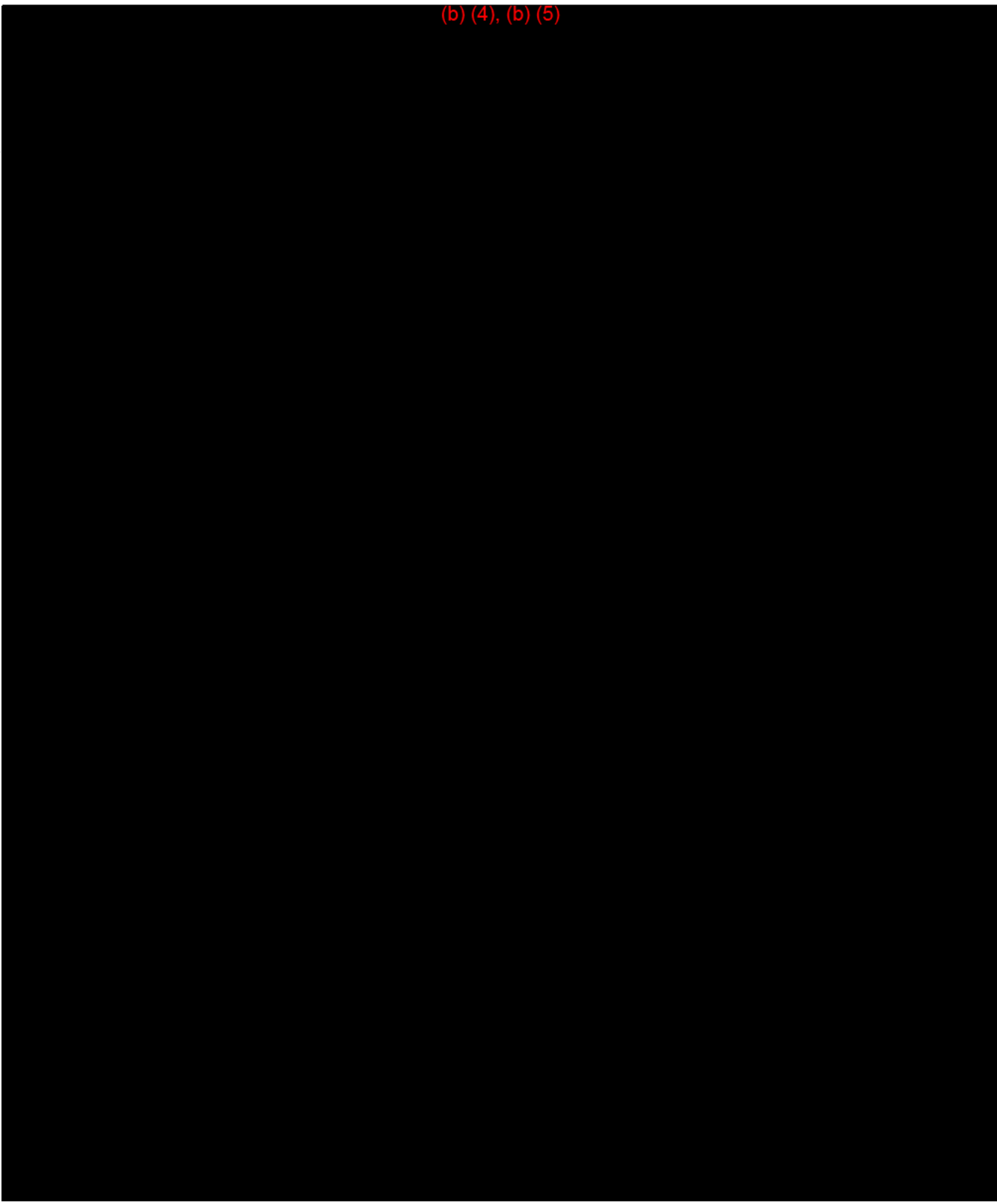
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April 29, 2016

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April 29, 2016

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**KUTAK ROCK LLP**

AMS FOIA Office - Gregory Bridges

April 29, 2016

Page 19

(b) (4), (b) (5)

(b) (6)

Enclosures:

(b) (5)

cc:

Brian Boehning  
Lee Sachnoff, Esq.

## Bridges, Gregory - AMS

---

**From:** Ryan Miltner <[ryan@miltnerlawfirm.com](mailto:ryan@miltnerlawfirm.com)>  
**Sent:** Tuesday, April 19, 2016 9:40 AM  
**To:** Bridges, Gregory - AMS  
**Subject:** Re: FOIA 2013-AMS-01201-F (EO12600 Response); Natural Prairie Dairy Farms, LLC

Greg,

Thanks for the confirmation.

(b) (5)

Ryan

Ryan K. Miltner  
The Miltner Law Firm, LLC  
100 North Main Street  
P.O. Box 477  
New Knoxville, OH 45871  
(866) 740-5219  
[ryan@miltnerlawfirm.com](mailto:ryan@miltnerlawfirm.com)

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> On Apr 18, 2016, at 5:59 PM, Bridges, Gregory - AMS <[Gregory.Bridges@ams.usda.gov](mailto:Gregory.Bridges@ams.usda.gov)> wrote:

>

> Hi Mr. Miltner:

>

> (b) (5). I will contact if I have any questions.

>

> Thanks,

>

> Greg Bridges

> FOIA Officer

> USDA Agricultural Marketing Service

> 1400 Independence Avenue, S.W.

> 3943-S

> Stop 0202

> Washington, D.C. 20250

> 202-720-2498

>

>

>

> -----Original Message-----

> From: Ryan Miltner [<mailto:ryan@miltnerlawfirm.com>]

> Sent: Monday, April 18, 2016 11:49 AM

> To: Bridges, Gregory - AMS

> Cc: Cheri De Jong; Donald De Jong; Kristine Reed

> Subject: FOIA 2013-AMS-01201-F (EO12600 Response); Natural Prairie Dairy Farms, LLC

>

> Dear Mr. Bridges,

>

> As I mentioned in a voice mail I left with you on Friday, I represent Natural Prairie Dairy Farms, LLC.

>

> [REDACTED] (b) (5)

[REDACTED]

>

> Sincerely,

>

> Ryan K. Miltner

> The Miltner Law Firm, LLC

> 100 North Main Street

> P.O. Box 477

> New Knoxville, OH 45871

> (866) 740-5219

> [ryan@miltnerlawfirm.com](mailto:ryan@miltnerlawfirm.com)

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RYAN K. MILTNER

KRISTINE H. REED

ADMITTED IN OHIO AND MICHIGAN  
RYAN@MILTNERLAWFIRM.COM

ADMITTED IN OHIO, INDIANA, AND GEORGIA  
KRISTINE@MILTNERLAWFIRM.COM

Via Federal Express Delivery and by e-mail to [gregory.bridges@ams.usda.gov](mailto:gregory.bridges@ams.usda.gov)

April 18, 2016

Gregory Bridges  
Agricultural Marketing Service – FOIA Officer  
1400 Independence Avenue, SW  
South Building, Rm. 3943-S, Stop 0202  
Washington, DC 20250-0273

**Re: FOIA 2013-AMS-01201-F (EO12600 Response)**  
**Natural Prairie Dairy Farms, LLC**

Dear Mr. Bridges:

(b) (5)

A large, solid black rectangular box covers the majority of the page, indicating that the content has been redacted. The text '(b) (5)' is printed in red at the top left corner of this redacted area.

Mr., Gregory Bridges  
April 18, 2016  
Page 2 of 5

(b) (5)



Mr., Gregory Bridges  
April 18, 2016  
Page 3 of 5

(b) (5)



(b) (5)



Mr., Gregory Bridges

April 18, 2016

Page 5 of 5

Please communicate with this office regarding any future developments. NPDF and I remain available to discuss our positions with you and to cooperate in any way in this matter.

Sincerely yours,

(b) (6)

A large black rectangular redaction box covers the signature area.

Ryan K. Miltner

Enc.

cc: Natural Prairie Dairy Farms, LLC

**From:** [Sachnoff, Lee F.](#)  
**To:** [Tangredi, Joseph - AMS](#)  
**Subject:** Accepted: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

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\_\_\_\_\_

**From:** [Tangredi, Joseph - AMS](#)  
**To:** ["lee.sachnoff@kutakrock.com"](mailto:lee.sachnoff@kutakrock.com); [Allen, William - AMS](#); [Tangredi, Joseph - AMS](#)  
**Subject:** EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

---

Mr. Sachnoff – we will call your office at 303-297-2400 for the conference call on FOIA request #2013-AMS-01201 regarding Aurora Organic Dairy.

**From:** [Sachnoff, Lee F.](#)  
**To:** [Tangredi, Joseph - AMS](#)  
**Cc:** [Arney, Neil L.](#)  
**Subject:** EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Thursday, October 15, 2015 6:19:43 PM

---

Joe:

I got your voicemail message. Are you available tomorrow, Friday, at 11:00 a.m. your time for a call?

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202

Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799

[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

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STOP 0202-Room 2622-S  
1400 Independence Avenue, SW.  
Washington, D.C. 20250-0202

In reply, please refer to  
AMS FOIA No. 2013-AMS-01201-F

Lee F. Sachnoff, Esq.  
Kutak Rock, LLP  
1801 California St., Suite 3000  
Denver, CO 80202

JUN 22 2015

Dear Mr. Sachnoff:

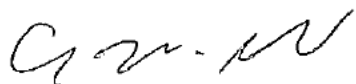
(b) (5)

A large, solid black rectangular box covers the majority of the lower half of the page, indicating that the content has been redacted under FOIA exemption (b)(5).

(b) (5)



Sincerely,



Carrie Hyde-Michaels  
Freedom of Information Act Officer

Enclosure

cc: Brent Cannell  
Director of Compliance  
Aurora Organic Dairy  
1919 14<sup>th</sup> Street, Suite 300  
Boulder, CO 80302

**From:** [Tangredi, Joseph - AMS](#)  
**To:** ["lee.sachnoff@kutakrock.com"](mailto:lee.sachnoff@kutakrock.com)  
**Subject:** EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Monday, June 22, 2015 4:15:05 PM  
**Attachments:** [20150622143938252.pdf](#)

---

Hello Lee,

I was unable to upload even the reduced size PDF file of this information for you, accompanying the Executive Order 12600 notification letter attached. So, here is the letter, with correct FOIA tracking number, 2013-AMS-01201-F. I am mailing the file to you on a new CD.

Thanks,

Joe Tangredi

Joseph Tangredi  
Legislative and Regulatory Review Staff  
Agricultural Marketing Service  
US Department of Agriculture  
1400 Independence Ave., SW, Room 3521-S  
Washington, DC 20250

**From:** [Sachnoff, Lee F.](#)  
**To:** [Tangredi, Joseph - AMS](#); [Allen, William - AMS](#)  
**Cc:** [Frandina, Michael M.](#); [Arney, Neil L.](#)  
**Subject:** RE: AMS FOIA No. 2013-AMS-01201-F/Aurora Organic Dairy and Cornucopia  
**Date:** Monday, August 31, 2015 12:27:59 PM

---

Joe:

Thank you for your assistance. Here is the address we have for your offices:

Agriculture Marketing Service, USDA, STOP 0202  
Room 3521 – S. Building  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0202

Please let me know if this is the correct address or if we should send the disc elsewhere.

Lee

---

**From:** Tangredi, Joseph - AMS [mailto:Joseph.Tangredi@ams.usda.gov]  
**Sent:** Monday, August 31, 2015 8:19 AM  
**To:** Sachnoff, Lee F.; Allen, William - AMS  
**Cc:** Frandina, Michael M.; Arney, Neil L.  
**Subject:** RE: AMS FOIA No. 2013-AMS-01201-F/Aurora Organic Dairy and Cornucopia

Good morning Lee,

Option 3 would be the best, if you could overnight the disc to us on Tuesday to arrive here on Wednesday. Please email me the mailing address you have for us, just so we can confirm it's correct.

Thanks,

Joe

---

**From:** Sachnoff, Lee F. [mailto:[Lee.Sachnoff@KutakRock.com](mailto:Lee.Sachnoff@KutakRock.com)]  
**Sent:** Monday, August 31, 2015 9:17 AM  
**To:** Tangredi, Joseph - AMS; Allen, William - AMS  
**Cc:** Frandina, Michael M.; Arney, Neil L.  
**Subject:** Re: AMS FOIA No. 2013-AMS-01201-F/Aurora Organic Dairy and Cornucopia

Joe and Bill:

Aurora Organic Dairy is on track to deliver to the USDA on Tuesday, September 8, 2015 its proposed redactions and Vaughn Index on the FOIA request from Cornucopia. We had planned to send you a disc with our redactions on Monday, September 7, 2015 by overnight delivery, but we Monday, September 7, 2015 is Labor Day and our offices are closed. We can get our proposed

redactions to you in the following ways:

1. (b) (5)
- 2.
- 3.

Please let us know if you have a preference for any of these options or if there is an alternative way we can handle getting you the documents. Thank you.

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202

Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799

[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

---

**From:** Sachnoff, Lee F.

**Sent:** Saturday, July 11, 2015 11:34 AM

**To:** 'Tangredi, Joseph - AMS'; Allen, William - AMS

**Cc:** Frandina, Michael M.; Arney, Neil L.

**Subject:** RE: Phone conference with AMS 11am Eastern

Joe and Bill:

Thank you for the 60 day extension to review and respond to the documents subject to the FOIA request. Aurora Organic Dairy will get you its redactions and justifications by September 8, 2015.

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202

Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799

[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

---

**From:** Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]

**Sent:** Friday, July 10, 2015 9:38 AM

**To:** Sachnoff, Lee F.

**Cc:** Frandina, Michael M.; Allen, William - AMS

**Subject:** RE: Phone conference with AMS 11am Eastern

Good morning Lee,

Thank you for the productive telephone call today with Michael Frandina, Bill Allen of our office and myself concerning the Aurora Organic Dairy documents that AMS sent for your review under the Executive Order 12600 process. We understand that your office will require 60 days to review these

documents and provide justifications for any withholdings based on the (b)(4) exemption of the FOIA, i.e., "substantial competitive harm" that would be caused by release of trade secrets and/or confidential business information of Aurora. (b) (5)

If you have any other questions during this review process, please don't hesitate to contact our office director Bill Allen, or myself.

Thank you,

Joseph Tangredi  
Legislative and Regulatory Review Staff  
Agricultural Marketing Service  
US Department of Agriculture  
1400 Independence Ave., SW, Room 3521-S  
Washington, DC 20250  
Tel: 202-720-2986

---

**From:** Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
**Sent:** Friday, July 10, 2015 10:16 AM  
**To:** Tangredi, Joseph - AMS  
**Cc:** Frandina, Michael M.  
**Subject:** RE: Phone conference with AMS 11am Eastern

Joe:

Please call our mainline at 303-297-2400. The receptionist will transfer the call to me.

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799  
[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

---

**From:** Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
**Sent:** Friday, July 10, 2015 8:06 AM  
**To:** Sachnoff, Lee F.  
**Subject:** Phone conference with AMS 11am Eastern

Good morning Lee,

Can I just confirm the telephone number where we should call you?

Thanks,

Joe

*Joseph Tangredi  
Legislative and Regulatory Review Staff  
Agricultural Marketing Service  
US Department of Agriculture  
1400 Independence Ave., SW, Room 3521-S  
Washington, DC 20250  
Tel: 202-720-2986*

---

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message.

Thank you.

---

**From:** [Tangredi, Joseph - AMS](#)  
**To:** ["Arney, Neil L."; Allen, William - AMS](#)  
**Cc:** ["Sachnoff, Lee F."; "Frandina, Michael M."](#)  
**Subject:** RE: AMS FOIA No. 2013-AMS-01201-F/Aurora Organic Dairy and Cornucopia  
**Date:** Tuesday, September 08, 2015 2:59:25 PM

---

Thank you, Mr. Arney. We will review the materials and will be in touch with you shortly.

**Joseph Tangredi**  
**Legislative and Regulatory Review Staff**  
**Agricultural Marketing Service**  
**US Department of Agriculture**  
**1400 Independence Ave., SW, Room 3521-S**  
**Washington, DC 20250**  
**Tel: 202-720-2986**

---

**From:** Arney, Neil L. [mailto:Neil.Arney@KutakRock.com]  
**Sent:** Tuesday, September 08, 2015 2:34 PM  
**To:** Allen, William - AMS  
**Cc:** Sachnoff, Lee F.; Tangredi, Joseph - AMS; Frandina, Michael M.  
**Subject:** RE: AMS FOIA No. 2013-AMS-01201-F/Aurora Organic Dairy and Cornucopia

Mr. Williams:

Attached is Aurora Organic Dairy's response to your letter dated June 15, 2015, regarding the above-referenced FOIA Request.

[REDACTED] (b) (5)  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Please let us know if you have any questions.

Sincerely,

Neil L. Arney

Neil L. Arney  
**Kutak Rock LLP**  
1801 California Street, Suite 3000  
Denver, CO 80202-2626  
Direct Dial: 303-292-7882  
Tele: 303-297-2400  
Fax: 303-292-7799  
[neil.arney@kutakrock.com](mailto:neil.arney@kutakrock.com)



**From:** [Sachnoff, Lee F.](#)  
**To:** [Tangredi, Joseph - AMS](#)  
**Cc:** [Arney, Neil L.](#); [Frandina, Michael M.](#); [Brent Cannell](#)  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Thursday, June 25, 2015 1:09:10 PM

---

Joe:

I wanted to let you know that Aurora Organic Dairy did receive the CD you sent to Brent Cannell, and we were able to pull the documents from the disk. We need to undertake an initial review of the materials, and we will circle back to you early next week to discuss process and timing. Thank you.

Lee F. Sachnoff | Kutak Rock LLP  
1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799  
[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

-----Original Message-----

From: Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
Sent: Monday, June 22, 2015 2:15 PM  
To: Sachnoff, Lee F.  
Subject: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Hello Lee,

I was unable to upload even the reduced size PDF file of this information for you, accompanying the Executive Order 12600 notification letter attached. So, here is the letter, with correct FOIA tracking number, 2013-AMS-01201-F. I am mailing the file to you on a new CD.

Thanks,

Joe Tangredi

Joseph Tangredi  
Legislative and Regulatory Review Staff  
Agricultural Marketing Service  
US Department of Agriculture  
1400 Independence Ave., SW, Room 3521-S  
Washington, DC 20250

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Thank you.

**From:** [Tangredi, Joseph - AMS](#)  
**To:** [Sachnoff, Lee F.](#)  
**Cc:** [Arney, Neil L.](#); [Frandina, Michael M.](#); "Brent Cannell"  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Wednesday, July 01, 2015 2:45:10 PM

---

Lee, next Friday the 10th at 11am will work for us. Please give me the email addresses of all on your end who should be invited onto the conference call, and the number we can reach you at. I will send out the invitation. Could you conference in all the participants on your end?

Thanks,

Joe

-----Original Message-----

From: Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
Sent: Wednesday, July 01, 2015 8:48 AM  
To: Tangredi, Joseph - AMS  
Cc: Arney, Neil L.; Frandina, Michael M.; 'Brent Cannell'  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Thanks Joe.

-----Original Message-----

From: Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
Sent: Wednesday, July 01, 2015 6:38 AM  
To: Sachnoff, Lee F.  
Cc: Arney, Neil L.; Frandina, Michael M.; 'Brent Cannell'  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Good morning Lee,

Checking on that. Should be able to tell you today.

Thanks,

Joe

-----Original Message-----

From: Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
Sent: Tuesday, June 30, 2015 3:08 PM  
To: Tangredi, Joseph - AMS  
Cc: Arney, Neil L.; Frandina, Michael M.; 'Brent Cannell'  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Joe:

Would a call at 11:00 a.m. (Eastern) on Friday, July 10 work for William and you?

Lee

-----Original Message-----

From: Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
Sent: Monday, June 29, 2015 9:58 AM  
To: Sachnoff, Lee F.

Cc: Arney, Neil L.; Frandina, Michael M.; 'Brent Cannell'  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Good morning,

Tomorrow afternoon would not be workable, but next week, the afternoons of Tuesday, Wednesday, Thursday, or all day Friday (preferably morning) would work. On our side, the phone call will be with myself and William Allen, the director of our office.

Please let me know what day/time works for you.

Thanks,

Joe

-----Original Message-----

From: Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
Sent: Monday, June 29, 2015 11:54 AM  
To: Tangredi, Joseph - AMS  
Cc: Arney, Neil L.; Frandina, Michael M.; 'Brent Cannell'  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Joe:

We received the replacement disk and your letter. Thank you for resending.

Are you available for a call tomorrow afternoon, Tuesday, to discuss our process and timing for reviewing the documents?

Lee

-----Original Message-----

From: Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
Sent: Thursday, June 25, 2015 11:10 AM  
To: Sachnoff, Lee F.  
Cc: Arney, Neil L.; Frandina, Michael M.; 'Brent Cannell'  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Lee -- that's great. Also, an extra copy of the CD was mailed to you on Monday, so you should be receiving that soon. When you do, please confirm.

Thanks,

Joe

-----Original Message-----

From: Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
Sent: Thursday, June 25, 2015 1:10 PM  
To: Tangredi, Joseph - AMS  
Cc: Arney, Neil L.; Frandina, Michael M.; Brent Cannell  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Joe:

I wanted to let you know that Aurora Organic Dairy did receive the CD you sent to Brent Cannell, and we were able to pull the documents from the disk. We need to undertake an initial review of the materials, and we will circle back to you early next week to discuss process and timing. Thank you.

Lee F. Sachnoff | Kutak Rock LLP  
1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799 lee.sachnoff@kutakrock.com

-----Original Message-----

From: Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
Sent: Monday, June 22, 2015 2:15 PM  
To: Sachnoff, Lee F.  
Subject: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Hello Lee,

I was unable to upload even the reduced size PDF file of this information for you, accompanying the Executive Order 12600 notification letter attached. So, here is the letter, with correct FOIA tracking number, 2013-AMS-01201-F. I am mailing the file to you on a new CD.

Thanks,

Joe Tangredi

Joseph Tangredi  
Legislative and Regulatory Review Staff  
Agricultural Marketing Service  
US Department of Agriculture  
1400 Independence Ave., SW, Room 3521-S  
Washington, DC 20250

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Thank you.

**From:** [Tangredi, Joseph - AMS](#)  
**To:** ["Sachnoff, Lee F."](#)  
**Cc:** ["Arney, Neil L."](#)  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Friday, October 16, 2015 9:08:14 AM

---

Yes, thank you, Lee. I'm available then. Please call me at 202-720-2986.

(b) (6)

I will be leaving this matter in the capable hands of AMS' new FOIA Officer, Greg Bridges, and our office director, Bill Allen. Bill is aware of the details from our previous conversations, and I've briefed Greg on everything. (b) (5)

Thanks,

Joe

---

**From:** Sachnoff, Lee F. [mailto:Lee.Sachnoff@KutakRock.com]  
**Sent:** Thursday, October 15, 2015 6:20 PM  
**To:** Tangredi, Joseph - AMS  
**Cc:** Arney, Neil L.  
**Subject:** EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Joe:

I got your voicemail message. Are you available tomorrow, Friday, at 11:00 a.m. your time for a call?

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202

Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799

[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

---

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Thank you.

---

**From:** [Sachnoff, Lee F.](#)  
**To:** [Tangredi, Joseph - AMS](#)  
**Cc:** [Arney, Neil L.](#)  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Monday, October 19, 2015 7:35:06 PM

---

Joe:

(b) (5) Do you have a tracking number that we can trace?

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799  
[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

---

**From:** Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
**Sent:** Friday, October 16, 2015 12:29 PM  
**To:** Sachnoff, Lee F.  
**Cc:** Arney, Neil L.  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

(b) (5)

---

**From:** Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
**Sent:** Friday, October 16, 2015 1:59 PM  
**To:** Tangredi, Joseph - AMS  
**Cc:** Arney, Neil L.  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Joe:

Thank you. (b) (4), (b) (5)

Lee

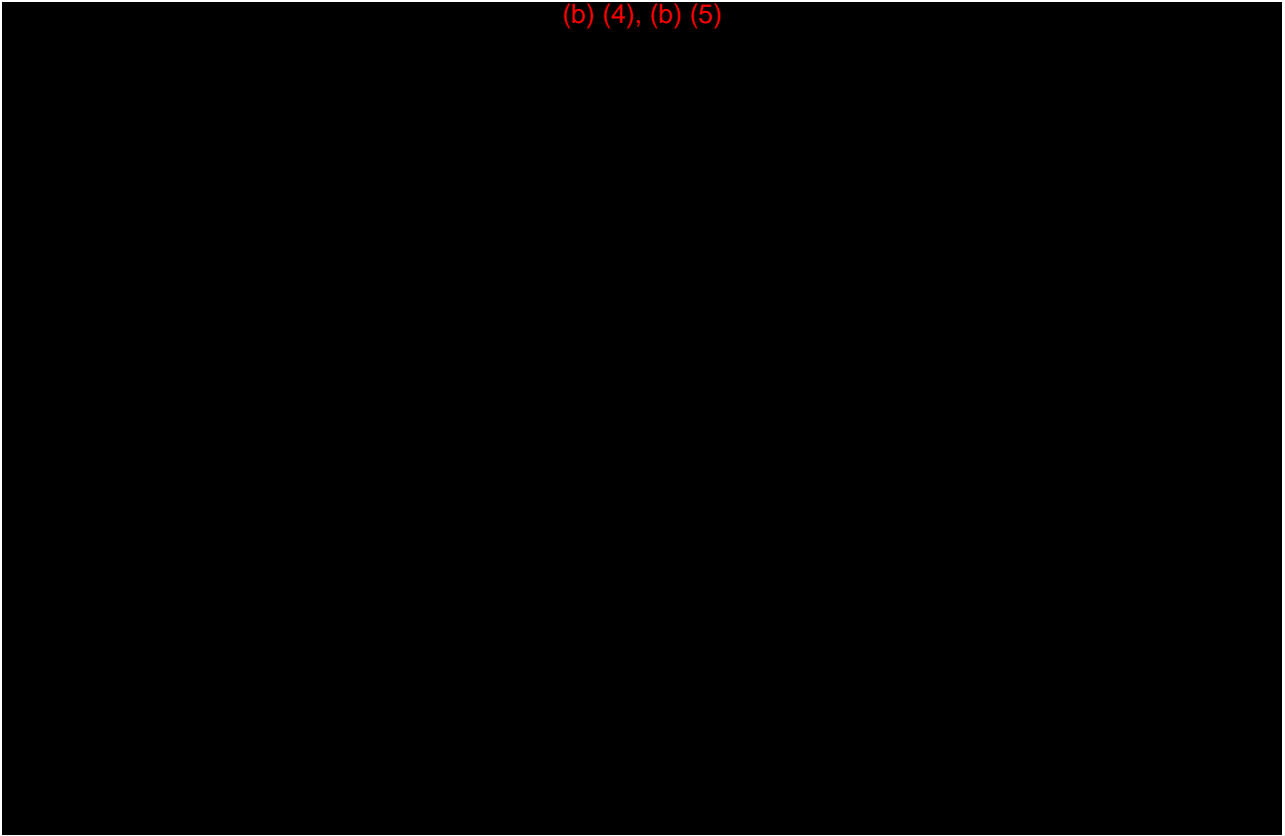
---

**From:** Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
**Sent:** Friday, October 16, 2015 11:40 AM  
**To:** Sachnoff, Lee F.  
**Cc:** Arney, Neil L.  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Good afternoon Lee and Neil,

Thanks for the productive telephone time as we review these FOIA documents on Aurora Organic Dairy and discuss your responses to AMS' EO 12600 inquiry for FOIA request 2013-AMS-01201-F. It

(b) (4), (b) (5)



We appreciate your input on the above by COB next Friday, Oct. 23 as discussed, and we expect to have a disc out to you shortly with our full proposed changes.

Have a good weekend,

Joe

***Joseph Tangredi***  
***Legislative and Regulatory Review***  
***Agricultural Marketing Service***  
***US Department of Agriculture***  
***1400 Independence Ave., SW, Room 3943-S***  
***Washington, DC 20250***  
***Tel: 202-720-2986***

---

**From:** Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
**Sent:** Thursday, October 15, 2015 6:20 PM  
**To:** Tangredi, Joseph - AMS  
**Cc:** Arney, Neil L.

**Subject:** EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Joe:

I got your voicemail message. Are you available tomorrow, Friday, at 11:00 a.m. your time for a call?

**Lee F. Sachnoff | Kutak Rock LLP**

1801 California Street | Suite 3000 | Denver | Colorado | 80202

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[lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

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---



**From:** [Tangredi, Joseph - AMS](#)  
**To:** ["Sachnoff, Lee F."](#)  
**Cc:** ["Arney, Neil L.";](#) ["Frandina, Michael M.";](#) ["Brent Cannell"](#)  
**Subject:** RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy  
**Date:** Thursday, June 25, 2015 1:10:17 PM

---

Lee -- that's great. Also, an extra copy of the CD was mailed to you on Monday, so you should be receiving that soon. When you do, please confirm.

Thanks,

Joe

-----Original Message-----

From: Sachnoff, Lee F. [<mailto:Lee.Sachnoff@KutakRock.com>]  
Sent: Thursday, June 25, 2015 1:10 PM  
To: Tangredi, Joseph - AMS  
Cc: Arney, Neil L.; Frandina, Michael M.; Brent Cannell  
Subject: RE: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

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I wanted to let you know that Aurora Organic Dairy did receive the CD you sent to Brent Cannell, and we were able to pull the documents from the disk. We need to undertake an initial review of the materials, and we will circle back to you early next week to discuss process and timing. Thank you.

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1801 California Street | Suite 3000 | Denver | Colorado | 80202  
Direct: (303) 292-7789 | Main: (303) 297-2400 | Facsimile: (303) 292-7799 [lee.sachnoff@kutakrock.com](mailto:lee.sachnoff@kutakrock.com)

-----Original Message-----

From: Tangredi, Joseph - AMS [<mailto:Joseph.Tangredi@ams.usda.gov>]  
Sent: Monday, June 22, 2015 2:15 PM  
To: Sachnoff, Lee F.  
Subject: EO 12600 notice, FOIA #2013-AMS-01201-F re: Aurora Dairy

Hello Lee,

I was unable to upload even the reduced size PDF file of this information for you, accompanying the Executive Order 12600 notification letter attached. So, here is the letter, with correct FOIA tracking number, 2013-AMS-01201-F. I am mailing the file to you on a new CD.

Thanks,

Joe Tangredi

Joseph Tangredi  
Legislative and Regulatory Review Staff  
Agricultural Marketing Service  
US Department of Agriculture  
1400 Independence Ave., SW, Room 3521-S  
Washington, DC 20250