

Subject: RE: FREEDOM OF INFORMATION ACT REQUEST
From: "Ress, Ronald G CIV NAVFAC PAC, 09C" <ronald.ress@navy.mil>
Date: Tue, June 28, 2011 9:08 pm
To: <carrollcox@carrollcox.com>
Cc: "Ikehara, Sidney S CIV NAVFAC PAC, BO" <sidney.ikehara@navy.mil>

Mr. Cox,

This will constitute the response of Naval Facilities Engineering Command Pacific to your Freedom of Information Act (FOIA) request bearing date of 31 March 2011, which was transmitted by your email to me on 1 June 2011. You stated, "This request is for copies of all documents, e-mails or other electronic or non electronic communications between Deputy Honolulu Corporation Counsel Mr. Don Kitaoka and Mr. Ed Case between January 1, 2010 to present."

I am the custodian of the records you have requested. After proper search as required under FOIA, I have located all the documents responsive to your request and am providing them as attachments hereto. No documents have been knowingly withheld and no portion of any document has been redacted. I am providing the documents electronically, since that is how your request was transmitted.

Attached hereto are the following, contained in three Adobe Acrobat (.pdf) files:

File labeled Carroll FOIA 1.PDF:

1. Email dated November 1, 2010 at 2:37 p.m. from Edward E. Case to Don S. Kitaoaka, copied to me, 2 pages.
2. Email dated October 29, 2010 at 11:52 a.m. from Edward E. Case to Don S. Kitaoaka, copied to me, 2 pages, plus two attachments: a 3-page unsigned letter from Bays, Deaver, Lung, Rose Holma dated October 29, 2010, addressed to David Tanoue, Director, Department of Planning and Permitting, marked "DRAFT"; and 5 pages of a document entitled, "Interim Real Estate Ground Lease for Waikele Gulch (Lease No. N6274203RP00121)".
3. Email dated October 29, 2010 at 11:02 a.m. from Don S. Kitaoaka to Ronald G. Ress and Edward E. Case, 1 page, plus 13-page attachment, entitled "Westlaw Delivery Summary Report for KITAOKA,DON S".

File labeled Carroll FOIA 2.PDF:

1. Email dated December 3, 2001 at 5:13 p.m. from Edward E. Case to Don S. Kitaoaka, me, and others, 2 pages.
2. Email dated November 30, 2010 at 4:40 p.m. from Don S. Kitaoaka to Edward E. Case, copied to me, 5 pages.
3. Email dated November 30, 2010 at 10:40 a.m. from Edward E. Case to Don S. Kitaoaka, copied to me, 3 pages. Note that there is a 4th page to this email, which was inadvertently scanned as part of the next file (labeled Carroll FOIA 3.PDF) and is the first page therein.

File labeled Carroll FOIA 3.PDF:

1. Fourth (last) page of email listed as item 3 above.
2. Email dated November 9, 2010 at 3:46 p.m. from Edward E. Case to Don S. Kitaoka, copied to me, 4 pages.
3. Email dated November 1, 2010 at 5:25 p.m. from Don S. Kitaoka to Edward E. Case, copied to me, 3 pages.
4. Email dated November 1, 2010 at 4:53 p.m. from Don S. Kitaoka to Edward E. Case, copied to me, 3 pages.

This completes the response to your FOIA request. We are waiving fees in this matter.

Sincerely,

Ronald G. Ress, Counsel
Naval Facilities Engineering Command Pacific
Pearl Harbor, Hawaii