

**Jed Margolin**

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**From:** "Jed Margolin" <jm@jmargolin.com>  
**To:** "McNutt, Jan (HQ-MC000)" <jan.mcnutt@nasa.gov>  
**Sent:** Friday, July 24, 2009 12:53 PM  
**Subject:** Re: FOIA Appeal of FOIA No. 2008-270

Mr. McNutt,

You wrote:

**> I've been informed that you are in contact with Mr. Randolph Harris of our office concerning the subject FOIA appeal. I have been assigned to respond to your appeal and as it stands, we are now past due in our response to you. I apologize for the delay and am officially requesting an extension for NASA to respond to your FOIA appeal. I would like to ask for a 20 day extension from the action due date that I received, which was July 17, 2009, which would require us to provide you with a response by August 6, 2009. We have every intention of providing you with a proper response, but circumstances have been such that we have not been able to process the response in the allotted time.**

My response:

1. NASA failed to respond or ask for an extension within the 20 day statutory period.
2. NASA has been acting in bad faith toward me for the past six years and some months.
3. You have personally acted in bad faith toward me by taking improper advantage of (and my regretting) every courtesy I have ever extended to you.
4. When I asked Mr. Harris if NASA would accept Legal Service by Express Mail, he said, "No." Only by Certified Mail. I explained that when I sent NASA Certified Mail in April, the USPS failed to deliver it and was unable to determine how it was lost or where. As a result, I do not consider Certified Mail reliable and I will have to pay a process server to serve Administrator Bolden. Mr. Harris still said, "No."
5. Mr. Harris has failed to respond to my email (and later fax) asking him to confirm what he told me in our telephone conversation (that NASA will not accept Legal Service by Express Mail).
6. Mr. Harris said NASA's response to my FOIA Appeal will be to send me a bunch of documents, but he didn't know when. He guessed "7 days." Your characterization of NASA's response contains no promise of documents, only "a proper response."

And so, Mr. McNutt, my answer to you is "No."

Sincerely yours,

Jed Margolin

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

**From:** [McNutt, Jan \(HQ-MC000\)](#)

**To:** [Jed Margolin](#)

**Sent:** Friday, July 24, 2009 10:42 AM

**Subject:** FOIA Appeal of FOIA No. 2008-270

Dear Mr. Margolin,

I've been informed that you are in contact with Mr. Randolph Harris of our office concerning the subject FOIA appeal. I have been assigned to respond to your appeal and as it stands, we are now past due in our response to you. I apologize for the delay and am officially requesting an extension for NASA to respond to your FOIA appeal. I would like to ask for a 20 day extension from the action due date that I received, which was July 17, 2009, which would require us to provide you with a response by August 6, 2009. We have every intention of providing you with a proper response, but circumstances have been such that we have not been able to process the response in the allotted time.

Thank you for your consideration of an extension in this matter.

Regards,

*Jan S. McNutt  
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