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Via Email to Pyle, Michael T. (USACAN), [Michael.T.Pyle@usdoj.gov](mailto:Michael.T.Pyle@usdoj.gov)

February 2, 2026

**Re: Meet and Confer Regarding Releases 4-8, Tort Claims Records, Improper Redactions, and Degraded Production**

Dear Counsel,

I write to request an in-person Zoom meet and confer regarding the status, scope, and legality of BOP's production of tort and property claim records responsive to Item 11 of Plaintiff's FOIA request, as well as BOP's continued categorical redactions, partial releases, and degraded production format. Plaintiff attaches a memorandum re-raising and expanding the objections first provided to BOP in December 2024 at BOP's request for legal authority supporting its claimed reliance on FOIA Exemptions (b)(6) and (b)(7)(C). Those objections remain unresolved.

These releases reflect the same core defects identified throughout this litigation and are directly relevant to the Court's evaluation of compliance and enforcement of its Production Order and Plaintiff's Motion for Partial Judgment on the Pleadings and for Declaratory Judgment (ECF No. 45).

The purpose of this correspondence is to narrow disputes where possible, clearly identify areas of impasse, and determine whether further judicial intervention will be required. Because Plaintiff is currently working on a story about these records, and because continued delay and over-redaction cause concrete and time-sensitive harm, prompt resolution is required.

**Completion Status and Scope of Production**

Please confirm by February 6, 2026, whether BOP's production of tort and property claim forms responsive to Item 11 is complete.

If production is not complete, please with specificity, in writing, by that same date communicate: the total number of responsive tort and property claim records; the custodians, offices, databases, and systems searched, including whether CM-AT was searched in full; other locations searched the search terms used; the date by which production will be completed; and whether BOP contends that any additional responsive tort claim records are being withheld in whole or in part.

Please confirm whether BOP will produce each tort and property claim form in its native format as maintained in the ordinary course of business, including preservation of claim-level structure, metadata, and document relationships.

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Please confirm whether BOP will produce a summary reflecting tort and property claims arising from the closure of FCI Dublin, including the number of claims submitted, granted, denied, or pending; amounts paid; facility or location; and claim subject matter.

### **Challenged Exemptions and Redactions**

Please confirm whether BOP acknowledges receipt of Plaintiff's December 2024 memoranda placing it on notice that the tort and property claim records at issue correspond to categories of records the CCWP court has already ordered unsealed or found not exempt.

Please explain how BOP contends that the categorical redaction of all incarcerated claimant names and all staff names satisfies FOIA's requirement for individualized, record-specific exemption analysis.

Please explain how the initial redaction of claim numbers satisfied FOIA's requirements. In the alternative, please confirm that BOP will reprocess all records in which claim numbers were redacted and release those claim numbers consistently across all productions.

Please state whether BOP continues to contend that Exemptions (b)(6) or (b)(7)(C) apply to administrative tort and property claims that have already been ordered or are similar to records ordered unsealed or deemed non-exempt in CCWP-related proceedings.

Please state whether BOP contends that Item 11 tort and property claim records were compiled for law enforcement purposes, as opposed to routine administrative claims processing.

### **Harm From Delay and Over-Redaction**

Please confirm whether BOP disputes that continued delay, categorical redactions, and degraded production cause concrete and time-sensitive harm to Plaintiff's newsgathering, reporting, and the public's ability to understand how BOP handled property loss and compensation during the Dublin closure.

### **Alteration and Degradation of Records**

Please explain whether BOP contends that producing merged, reordered, or partial PDFs that alter the form, structure, and integrity of individual tort claim files complies with FOIA and the Court's May 30, 2025 Order. Plaintiff requests written assurance that future productions will not alter, omit, or degrade readily reproducible records from their native form.

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## **Remedies**

BOP's continued refusal to produce records in a lawful and usable format shifts the costs of compliance to Plaintiff, multiplies attorneys' fees, and creates avoidable delay that burdens not only the parties but the Court itself. Plaintiff demands that BOP cure its ongoing noncompliance by conducting a lawful, good-faith search of CM-AT and all other systems reasonably likely to contain responsive tort claim records; producing records as maintained in the ordinary course of business; and withdrawing improper redactions of names and claim numbers.

Absent a record-specific justification, Plaintiff demands that BOP promptly reprocess the Item 11 records, withdraw improper redactions, and produce all reasonably segregable, non-exempt information without further delay.

## **Next Steps**

Given BOP's positions to date, Plaintiff believes the BOP will consider the parties to be at an impasse. Please, by no later than February 6, 2026, provide availability of dates and times for a Monday, Tuesday, or Friday Zoom meet and confer. A draft agenda is attached. If BOP does not agree to meet, Plaintiff will proceed with submitting her portion of a joint production dispute letter by Wednesday, February 11, 2026, and expects BOP's portion by Wednesday, February 18, 2026, for joint filing.

Sincerely,

Caitlin Kelly Henry, Esq.

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1. Memo to USA Re Exemption Law
2. Draft Meeting Agenda for Tort Claims Form
3. Exhibit Tort Claims Form Summary Chart