



December 11, 2015

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By E-mail

Dear Ms. Fortune:

I am writing to let you know that we have been retained by Jonathan Rudenberg, a FOIA petitioner who is being denied his statutory rights in connection with the matter we discussed in our prior emails. On May 15, 2015, Mr. Rudenberg submitted a FOIA request to the Delaware State Police seeking public records concerning cell site simulators. On June 5, 2015, this request was incorrectly denied in its entirety based on the State Police's interpretation of a nondisclosure agreement they indicated they had entered with the FBI. As required by law, on June 17, 2015, Mr. Rudenberg presented a petition to the Chief Deputy Attorney General to seek redress for the wrongful denial of his FOIA request.

The Chief Deputy was obligated to render a written determination as to whether a violation of FOIA had occurred within 20 days of that petition. *See* 29 Del. Code 10005(e). It has now been 177 days.

As a courtesy, and in an effort to resolve this issue without litigation, Mr. Rudenberg has agreed to wait an additional three weeks for you to render a decision. If he does not receive a decision by the end of the year, we will ask a court for appropriate relief. I am copying Chief Deputy Danielle Gibbs on this letter because I believe she would be the appropriate defendant in such a court action.

This is not a lawsuit we want, or should have to, file. But Mr. Rudenberg has waited much too long for a substantive response.

Sincerely yours,

Ryan R. Tack-Hooper

cc: Jennifer Noel
Aaron R. Goldstein
Danielle Gibbs

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