

**ATTACHMENT 7**

**Petitioners' FOIA Request to the FDA**



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

RICHARD S. WYDE  
DIRECT (206) 628-7796  
richwyde@dwt.com

2600 CENTURY SQUARE  
1501 FOURTH AVENUE  
SEATTLE, WA 98101-1688

TEL (206) 622-3150  
FAX (206) 628-7699  
www.dwt.com

February 6, 2006

### Via Federal Express

February 6, 2006

Betty B. Dorsey  
Director, FOI Staff  
Food and Drug Administration  
5600 Fishers Lane (HFI-30)  
Rockville, MD 20857

**Re: *Freedom of Information Act Request***

Dear Ms. Dorsey:

Pursuant to the Freedom of Information Act (the "Act"), 5 U.S.C. § 552, I request access to and copies of the following public records and information. If records and information relevant to this request are located in field offices or other offices, I request that you forward this request to those offices.

Please produce the following:

1. The complaint filed by me with Camille Bennett Hoffman, Consumer Complaint Coordinator in the Food and Drug Administration ("FDA") Seattle, Washington Field Office on January 23, 2006.
2. All other complaints, documents and information, of any kind and in any format (physical or electronic), including but not limited to electronic mail, relating or referring to products manufactured by S&M NuTec LLC (the "Manufacturer") and known by the trade name of "Greenies". Such documents would include but not be limited to: (a) complaints filed by other individuals; (b) information provided by the Manufacturer or other organizations to the

February 6, 2006  
Page 2

FDA; and (c) information obtained by the FDA from its own investigation or research or from other Federal, State and local agencies.

Please produce the documents and information in hard copy format or electronic form (Word, HTML, RTF, or PDF formats) if desirable and readily reproducible by the FDA.

This request reasonably describes identifiable records or information that is not exempt from disclosure under the Act. Nevertheless, if you believe that an express provision of the Act exempts any portion of the material I have requested, Section 552(b) of the Act requires that you segregate and delete only those portions that are expressly exempt from the Act's disclosure requirements so that the remainder of the records, including non-exempt portions of individual records, may be released. Additionally, the amount of information deleted, if any, should be indicated on the released portion of the record. 5 U.S.C. § 552(b).

If this request is denied in whole or in part, please cite the specific exemption(s) which you believe are applicable and any case authority supporting your conclusion, and inform me of the appeal procedures available. Also include the names and titles or positions of each person responsible for the denial. 5 U.S.C. § 552(a)(6)(C).

Should you determine that this request is not reasonably specific, I request the production of any reasonably accessible documents that will enable me to frame a more specific request.

To facilitate production, I agree to pay reasonable expenses, including copying costs, incurred in responding to this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

We look forward to your response within twenty working days from the date you receive this request, as required by 5 U.S.C. § 552(a)(6)(A)(i). If you need further information or have questions about this request, please contact me at the telephone number above.

Very truly yours,

Davis Wright Tremaine LLP



Richard S. Wyde

cc: Dr. Roberta Kraus Wyde