



July 28, 2022

Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155
(571) 372-0500

This is a request under the Freedom of Information Act (FOIA).

A. I request a copy of all records related to either or both of the following statements in the Brief for the United States of America as Amicus Curiae Supporting Appellant, Davidson v. United Auto Credit Corporation:¹

- 1) “The Department of Defense has indicated that it is in the process of conducting “additional analysis” on GAP coverage and other financial products, see 85 Fed. Reg. 11,842, 11,843 (Feb. 28, 2020), which it anticipates will result in it issuing additional guidance following the appropriate multiagency process.”; and
- 2) “The Defense Department strongly concurs with the position in this amicus brief.”

This request A. includes, but is not limited to, any analyses, communications, or other records produced within or for the Department of Defense (DOD) or between DOD and other federal agencies, The White House, or third-party groups or individuals related to either or both of these statements.

The timeframe for this request A. is December 14, 2017 (the date on which DOD issued an interpretive rule related to this issue, 82 Fed. Reg. 58,739 – 58,742) to the present.

B. To the extent not responsive to the foregoing request A., I also request a copy of all records related to any analysis that DOD has conducted or is currently conducting regarding GAP coverage and/or other financial products offered and sold in connection with the financing of automobile purchases.

This latter request B. includes, but is not limited to, any analyses, communications, or other records produced within or for DOD or between DOD and other federal agencies, The White House, or third-party groups or individuals.

The timeframe for this request B. is August 26, 2016 (the date on which DOD issued an interpretive rule that the above-mentioned interpretive rule amended, 81 Fed. Reg. 58,840, 58,84) to the present.

¹ *Davidson v. United Auto Credit Corp.*, No. 120CV1263LMBJFA, 2021 WL 2003547 (E.D. Va. May 19, 2021) (Appeal filed June 22, 2021).

The term “records” as used in these requests includes, but is not limited to, draft, interim, and final memoranda, letters, reports, outlines, opinions, recommendations, presentations, summaries, emails, handwritten or typed notes, phone calls, meeting minutes, meeting agendas, calendar entries, electronic chats, instant messages, encrypted or self-destructing messages, messages sent via Facebook messenger, text messages, voice messages, and other hard copy and electronic documents.

In order to help you determine my status for the applicability of any fees, I am requesting these documents for a commercial purpose.

If there are any fees for searching for or copying the documents, I am willing to pay fees for this request up to a maximum of \$1,000. If you estimate that the fees will exceed this limit, please contact me.

If you have any questions about processing this request, you may call me during business hours at (703) 821-7040.

Sincerely,

/s/

Paul D. Metrey
Senior Vice President, Regulatory Affairs