



U.S. Department of Justice

*United States Attorney
District of New Mexico*

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July 14, 2005

Lana E. Marcussen
4518 N. 35th Place
Phoenix, Arizona 85018

Re: Marcussen v. Thompson, Secretary of Health & Human Services, Gale Norton,
Secretary of the Department of Interior, & John Does 1-20
USDC New Mexico Civil Action No. CIV 04-1429 JB/DJS

Dear Ms. Marcussen:

Enclosed are the documents from ¶ 3 of the motion to vacate the initial scheduling order, and also as mentioned in my fax of June 16th – the AFDC materials located by HHS. I'm enclosing a copy of that June 16th fax for your convenience, and HHS is not charging you for this production. HHS is working on the three items isolated in ¶ 6 of the motion to vacate the initial scheduling order.

Sincerely,

DAVID C. IGLESIAS
United States Attorney


CYNTHIA L. WEISMAN
Assistant U. S. Attorney

CLW/cw
Enclosures

cc w/o encl: Katherine Brown, HHS
Greg Mehojah, DOI



FACSIMILE COVER SHEET from
Cynthia L. Weisman
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COPY

To: Lana Marcussen Fax 602-667-3490
cc: Katherine Brown Fax 214-767-0908

Re: Marcussen v. HHS and DOI, & John Does 1-20
USDC New Mexico Civil Action No. CIV 04-1429 JB/DJS

Ms. Marcussen, I got your message about visiting Judge Browning's chambers and K'Aun's comment to you inquiring whether we had spoken since the hearing. I also see that Judge Browning issued an order for a PDP and IPTR by July 6th, and a scheduling conference on July 8th. This is the information we've tracked down since the hearing in May, so we may be able to get this case resolved. You said at the hearing you wanted the AFDC state plans for New Mexico for 1992 to 1996. HHS has the AFDC documents for New Mexico at the regional office in Dallas (there's no office in New Mexico), but they may be less of a "state plan" than you were expecting. It's apparently an original state plan (which pre-dates the period of your FOIA request), and then a series of amendments. The AFDC plans are different from TANF plans in that TANF plans require that the entire plan be resubmitted every 2 years, whereas AFDC required amendments. So, what HHS has are the amendment transmittals, and the approvals for state plan amendment, that are available for 1992 to 1996, comprising about 200 pages or so. This might be a little frustrating for you since it won't be a complete "plan" as you might have envisioned. HHS doesn't have the original plan, but it does have an outline of what the complete plan contained, broken down by identifying numbers so it is clear where the amendments fit into the overall plan. I won't be able to get more info from HHS until tomorrow at the earliest, and I don't know if there would be any charge for them to produce the 1992 to 1996 info to you, but I'll let you know.

- Cynthia Weisman. direct tel. 505-224-1458
