STATE OF VERMONT

SUPERIOR COURT
Washington Unit

CIVIL DIVISION
Docket No. 349-6-16 Wncv

Energy & Environment Legal Institute, et al.,

Plaintiffs,

v.

The Attorney General of Vermont, et al.,

Defendants.

Plaintiffs' Reply In Support of Motion to Compel

On October 25, 2017, Plaintiffs filed a Motion to Compel (P.MTC), requesting that this Court order Defendant William Sorrell [Sorrell] to "sit for another deposition, [...] reimburse the Plaintiffs the costs of the October 23 deposition, and compel Sorrell to answer questions relating to '*the extent to which [Sorrell] has documents on his private email account or computer that relate to the specific records request at issue in this case.*'"[1] Defendants the Attorney General of Vermont (AGO) and Sorrell filed their brief in opposition to Plaintiffs' Motion to Compel (D.Oppo. MTC) on November 13, 2017.

[1] P.MTC at ¶ 14 (quoting this Court's Entry Regarding Motion, dated October 18, 2017 at 1) (emphasis added).

1. *Toensing* affirmed an expansive reading of the PRA and did not overrule Supreme Court precedent, which allows for full discovery in PRA cases.

Toensing fully resolved any remaining uncertainty about whether public records located on nongovernmental accounts are subject to Vermont's Public Records Act (PRA). *Toensing v. The Attorney General of Vermont*, 2017 VT 99. The court, noting that the purpose of the PRA "would be defeated if a state employee could shield public records by conducting business on private accounts[,]" held that "[t]he PRA does not exclude otherwise qualifying records that are located in private accounts of state employees or officials." *Id.* at ¶ 13. Moreover, it held that "where [a requester] specifically seeks specified communications to or from individual state employees or officials regardless of whether the records are located on private or state accounts," the agency is obligated to request that the employees or officials turn over "any public records stored in their private accounts that are responsive to [the] request." *Id.* at ¶ 24.

Toensing recognized that the PRA is intended to be read in a way to expand disclosure, not limit it.[2] *Toensing* affirmed Vermont's long line of cases broadly interpreting the PRA. *Id.* at ¶ 14-15 (broad construction of the PRA "is consistent with the Legislature's intent that we construe the PRA liberally in favor of disclosure" citing 1 V.S.A. §315(a)); *Id.* at ¶ 20 ("the PRA gives effect to the philosophical commitment to accountability reflected in Article 6 of the Vermont Constitution" citing *Rutland Herald v. Vt. State Police*, 2012 VT 24, ¶39).

Toensing provided a four-part test to be applied to determine whether an adequate search has been conducted in cases where there is *no evidence* that an employee has used a private account for public business. In such cases, the agency must:

1. Have policies in place to minimize the use of personal accounts to conduct agency business;

[2] *Id.* at ¶20 (citing 1 V.S.A. § 315(a)).

2. Provide the specified employees adequate guidance or training to identify public records;

3. Ask employees to provide the agency any responsive public records along with a brief explanation of the employee's manner of searching; and

4. Disclose any nonexempt public records.

Id. at ¶ 36. The imposition of this burden necessarily raises the issue of whether the agency actually met its burden and the extent to which those employees' or officials' private email accounts or computers contain public records, easily falling within the scope of the deposition sought by Plaintiffs already permitted by this Court.

Indeed, this Court's October 18 order limiting the scope of Sorrell's deposition was expressly conditioned on the outcome of *Toensing*. In light of this decision (and the evidence in this case of Sorrell's use of a personal account for state business, discussed *infra*), Plaintiffs' respectfully submit that the Court's order should be expanded accordingly to allow questioning of Sorrell's general use of his nongovernmental accounts so that Plaintiffs can properly assess the adequacy of the agency's (and Sorrell's) search.

The Supreme Court of Vermont has previously held in *Finberg and Gendreau* that Vermont's Civil Rules apply to cases brought under the PRA.[3] *Toensing* did not address or suggest that long-standing, prior precedent, which allows for full discovery in PRA cases, has been overturned. It did not, by implication, overturn these two express precedents and its holdings should be preserved under the doctrine of *stare decisis*.[4] Yet, Defendants assert that state employees can no longer be deposed about a search or their use of private email accounts

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[3] *Gendreau v. Gorczyk*, 161 Vt. 595, 597; 641 A.2d 95 (1993) (PRA compalints "are civil actions in which the plaintiff is entitled to discovery and the full application of the civil rules") citing *Finberg v. Murnane*, 159 Vt. 431, 434; 623 A.2d 979 (1992).

[4] *See, e.g., Daniels v. Elks Club of Hartford*, 2012 VT 55, ¶ 48, 192 Vt. 114, 141, 58 A.3d 925, 941 ("We are bound by *stare decisis* to follow our precedents"); *Estate of Girard v. Laird*, 159 VT 508, 515, 621 A.2d 1265, 1269 (1993) ("We do not lightly overrule settled law especially where it involves construction of a statute which the legislature could change at any time.")

for public business. D.Oppo. MTC at 5 ("Plaintiffs were not entitled to depose Defendant Sorrell at all[.]") Not only is this a gross mischaracterization of the decision, it fails to account for the long-standing application of Vermont's Civil Rules to PRA cases.

In support of their argument, Defendants claim that "[t]he careful balance that *Toensing* strikes to protect employee privacy would be meaningless if any member of the public could notice a deposition and ask questions that *Toensing* bars state agencies from asking." *Id.* at 4. Translated, Defendants are proposing that by finding that state agencies must ask employees about non-official email account use, the court somehow implicitly overturned explicit precedent that Vermont's Civil Rules fully apply to PRA cases.[5]

A. Deposing Defendant Sorrell would not violate the privacy rights recognized by the *Toensing* Court.

Toensing did not immunize employees from PRA coverage or the Vermont Civil Rules, but merely noted that "requiring, or even allowing, a public agency to 'search' the private email accounts of its employees would trigger privacy concerns of the highest order." *Id.* at ¶ 29. The court, however, made plain that these fears would only be warranted if an agency were to, as a matter of common practice, "compel individual employees to hand over their smartphones or log-in credentials for their personal email accounts," not when agencies ask questions about practices and the location of potentially responsive records, or for production of public records held on non-public assets. *Id.* ¶ 30.

Similar to the request at issue in *Toensing*, the instant request "really isn't a 'search' at all," with the compelled surrendering of private equipment, access, passwords and the like discussed by the Court as warranting concern. *Id.* ¶ 30. Plaintiffs do not seek access to nonpublic

[5] In reality, it is the rare PRA request that even makes it to court. Even in those few PRA cases that are filed, due to cost and other factors, depositions are rare events. These actions are expensive affairs and the additional costs of depositions will dissuade baseless overreach.

records or the unredacted disclosure of public records subject to legitimate withholdings. Plaintiffs request only that this Court compel Defendant Sorrell "to attend another deposition" on the previously ordered, yet still unsatisfied topic of "the extent to which [Sorrell] has documents on his private email account or computer that relate to the specific records request at issue in this case."[6]

Even assuming, *arguendo*, that a deposition could somehow be considered a "search," the ordered scope of the deposition about practices and the presence or non-presence of *public* records contained on Sorrell's private email account or computer falls outside of any privacy concerns expressed in *Toensing*.

B. *Toensing* does not bar Plaintiffs from deposing Defendant Sorrell.

In further opposition to Plaintiff's Motion to Compel, Defendants argue (1) that "*Toensing* bars state agencies from asking" questions regarding "the extent to which [Sorrell] has documents on his private email account or computer that relate to the specific records request at issue[;]," and (2) that an "even more intrusive" deposition would surely be impermissible. However, *Toensing* supports neither argument.

As a preliminary matter, the privacy rights which Defendants seemingly invoke — given their stated concerns as to the "intrusiveness" of a deposition — simply do not apply. *Toensing* recognized such rights as applicable only to nonpublic, private records. *Toensing,* 2017 VT 99, ¶ 29. Defendants argue about an issue not before this Court – whether Sorrell should be required to turn over nonpublic records. Consistent with the PRA's scope, Plaintiffs seek only to question Sorrell on the *public* records contained within his private email accounts, subject to limitations placed by this Court on the scope of any approved deposition.

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[6] P.MTC at ¶ 3.

Defendants cite to *Toensing*'s rejection of a requirement that agencies obtain a "sworn affidavit from each employee who conducts a search of personal accounts for public records in connection with a public records request,"[7] as evidence that the court sought more generally to prevent PRA-related questioning of state employees. However, while the *Toensing* Court declined to impose an internal, agency-affidavit requirement in processing PRA requests where "there is no evidence that an employee has public records in personal accounts[,]" its deliberate framing allowed for an agency to require an employee to do so and left open the possibility of a court imposing such a requirement (and more) where such evidence *does* exist (as it does here). *Id.* (Only where there is no evidence of an employee's use of a nongovernmental account for public business may an agency "reasonably rely on the representation of its employees.")

Toensing specifically declined to rule on what constituted an adequate search when there is evidence an employee has used a non-governmental account for public business. *Id.* 35 n.5 ("We do not address here the burden on an agency to establish an adequate search with respect to public records in the accounts of agency employees or officials in cases in which there is evidence of employees or officials conducting business through their personal accounts.") *Toensing* discussed the issue of the personal use of emails in that case, but only reviewed the evidence for other purposes (as an illustration of "the perils of categorically excluding emails in private accounts from the definition of public records.") and only in *dicta*. *Id.* ¶ 22, n.2. This Court has ruled that the evidence in this case "indicated that at least to some extent, Mr. Sorrell conducted public business on a private email account." Entry Regarding Motion, dated October 18, 2017 at 1. Therefore, the evidence already developed in this case suggests the agency itself

[7] *Id.* ¶ 35.

must go further than just a request to an employee to satisfy its initial, adequate search obligations.

Further, Plaintiffs are not an agency making an initial, internal, employer-employee pass at processing a PRA request, but instead are requesters forced to sue, both the AGO and Sorrell individually,[8] in response to an agency's blanket refusal to comply with PRA requests.

2. Plaintiffs' questioning was well within the bounds of the PRA, *Toensing*, and this Court's October 18, 2017 Order.

Defendants also claim that "[m]ost of the questions Plaintiffs highlight in their motion" were impermissible, and "appear designed specifically to explore nonpublic documents"[12] This characterization is incorrect, and seeks only to cover Sorrell's refusal to answer permissible questions that fell within the scope of this Court's October 18, 2017 Order.

First, Defendants disingenuously claim the PRA request calls for private records and draw specific attention to Plaintiffs' request for emails containing the terms Pawa, Frumhoff, @ag.ny.gov, and @democraticags.org. Defendants argue that the request "purports to reach many records that are not public."[13] All PRA requests, however, are impliedly limited by the law's definition of a "public record," and Plaintiffs have repeatedly affirmed in pleadings in this case (as though they needed to) that they sought only "records held by [Sorrell] personally, which records relate to the Office of the Attorney General." See e.g., Plaintiffs' Mot.to Join, para. 7. Given that Plaintiffs' request *only* sought public records and that Defendant Sorrell

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[8] Sorrell also has been named as a defendant in *Energy & Environment Legal Institute et al. v. Attorney General* (450-8-16 Wncv) because his counsel at AGO asserted in two substantively related cases, *Toensing v. Attorney General* (500-6-16 Cncv) and in this case, that Sorrell was not subject to the jurisdiction of the Court unless he was a named defendant.

[12] D.Oppo. MTC at 7.

[13] D.Oppo. MTC at 7-8.

presumably relied on Plaintiffs' request to inform his search configuration, Plaintiffs' deposition questions regarding the search results *necessarily* concerned public records.[15]

Second, Defendants argue that three questions concerning Sorrell's record production to AGO were impermissible on the basis that they "sought to discover information about [...] documents that were identified as private by Defendant Sorrell or his counsel." D.Oppo. MTC at 8. These questions are (1) what records Sorrell turned over to AGO, (2) whether Sorrell withheld potentially responsive records, and (3) whether AGO turned over all records it received from Sorrell — yet even as Defendants argue impermissibility, they appear to concede that the questions were nevertheless *permissible. Id.* at 12.

Defendants cite to *Toensing* in support of the argument that "[a]ny records that are not produced, and are not logged as public records subject to an exemption, are necessarily private." *Id.* at 8. Without conceding this assertion, the logical conclusion of it is that records which *are* produced — or logged as public records and withheld subject to an exemption — are necessarily public or, anyway, not so inherently private as to make inquiries about these records outrageous. Accordingly, questions as to records turned over to AGO by Sorrell, withheld by Sorrell, or withheld by AGO *necessarily* concern *public* records. Indeed, the question arises as to how records that are potentially responsive to a PRA request could be so inherently private as to be impermissible to even discuss.

The question also arises as to how the AGO and Sorrell defined a "public record." Was it too limited so that public records were never even turned over for review and logging? If there is

[15] AGO acknowledges that it "provided [Defendant] Sorrell with the search terms...specified by Plaintiffs[,]" though it blocked questions about what instructions it gave to Sorrell prior to his search. Defs.' Opp. Mot. Compel (November 13, 2017) at 5; *Toensing* at ¶ 36 (an employee must be given adequate guidance or training).

a question, a court is empowered to review records *in camera* with "the burden of proof ... on the public agency to sustain its action." 1 V.S.A. § 319(a).

Third, Defendants argue that three questions which "ask whether Defendant Sorrell corresponded with identified individuals [...] relating to the public business of Vermont" are impermissible on the basis that they rely on "a characterization of the scope of the Act specifically rejected by *Toensing*." These questions, however, were within the scope of the PRA and the request, and there is no hint anywhere in *Toensing* to the contrary. To be specific, Plaintiffs sought information about Sorrell's correspondence with:

- **Matt Pawa**, who briefed Sorrell, AGO staff, and other AGs immediately prior to their March 29, 2016 New York City press conference announcing their intention to investigate and otherwise pursue opponents of the "climate" political agenda, just as set forth in the March 7, 2016 recruiting letter signed by Sorrell, on joint Vermont/New York AGO letterhead, all in their official capacity (and arranged in part by AGO). The AGO, along with New York's AG, suggested that Pawa mislead the press about his involvement in that briefing.[16] Pawa also provided three separate presentations on legal strategies to a 2012 meeting in La Jolla, California convened to contemplate the general failure of legislative efforts to impose the "climate" agenda, the summary of which stated, *inter alia*, "**State attorneys general can also subpoena documents, raising the possibility that a single sympathetic state attorney general might have substantial success in**

[16] Sean Higgins, *NY atty. general sought to keep lawyer's role in climate change push secret*, Washington Examiner (Apr. 18, 2016), http://www.washingtonexaminer.com/ny-atty-general-sought-to-keep-lawyers-role-in-climate-change-push-secret/article/2588874; Terry Wade, *U.S. state prosecutors met with climate groups as Exxon probes expanded*, Reuters (Apr. 15, 2016), http://www.reuters.com/article/us-exxonmobil-states/u-s-state-prosecutors-met-with-climate-groups-as-exxon-probes-expanded-idUSKCN0XC2U2.

bringing key internal documents to light. In addition, lawyers at the workshop noted that even grand juries convened by a district attorney could result in significant document discovery."[17]

- **Peter Frumhoff**, who is the Director of Science and Policy and Chief Climate Scientist at the Union of Concerned Scientists, an advocacy organization focused on climate change and environmental policy. Public records show he emailed an activist academic on July 31, 2015, arguing against pursuing political opponents through federal racketeering law but noting that he was instead working on "state (e.g. AG) action" against "the fossil fuel industry" in which the academic might have a role.[18] Public records from other state attorneys general (including AGO), confirm Frumhoff worked with them on such matters, including but not limited to briefing attorney general participants prior to their March 29, 2016 press conference.[19] These officials include "Attorneys General Eric Schneiderman of New York and William Sorrell of Vermont . . . George Jepsen of Connecticut, Brian E. Frosh of Maryland, Maura Healey of Massachusetts, and Claude Walker of the U.S. Virgin Islands . . . along with former Vice

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[17] Climate Accountability Institute, *Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control* 11 (Oct. 2012), http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct12.pdf (Summary of the Workshop on Climate Accountability, Public Opinion, and Legal Strategies); *see also* Zoe Carpenter, *The Government May Already Have the Law It Needs to Beat Big Oil*, The Nation (July 15, 2015), https://www.thenation.com/article/the-government-may-already-have-the-law-it-needs-to-beat-big-oil/ (quoting Pawa, in an article advocating RICO actions against fossil fuel companies: "Legislation is going nowhere, so litigation could potentially play an important role."). (Emphasis added.)

[18] Chris Horner, *Documents Illuminate AGs Politicized Climate Campaign Against Exxon*, Real Clear Energy (Oct. 26, 2016), http://www.realclearenergy.org/articles/2016/10/26/documents_illuminate_ags_politicalized_climate_campaign_against_exxon_110096.html.

[19] Higgins, *supra*, note 15 ("In addition to Pawa, the attorneys general and their staffs heard a private presentation from Peter Frumhoff, director of science and policy at the Union of Concerned Scientists."); Wade, *supra*, note 15 (noting Frumhoff's involvement at the meeting).

President and leading climate activist Al Gore, and representatives from a total of 17 state attorneys general offices," including California's Office of Attorney General. [20]

- Specific parties using a specified **New York Office of Attorney General email domain**, including particularly the officials identified as AGO's partners who organized the now-abandoned "climate RICO" scheme in AGO's first PRA production.
- The **Democratic Attorneys General Association ("@democraticags.org")**, which is an organization that accepts unlimited contributions from companies and other groups that are attempting to alter the enforcement policies of state attorneys general. An analog group, the Democratic Governor's Association, emailed its members on August 11, 2015 specifically on behalf of the party's biggest donor, Tom Steyer, stating that the DGA was actively assisting Steyer's campaign to impose "accountability on climate deniers" and asking elected DGA members or their offices to pitch in, or "partner."[21]

Documents related to these individuals and entities sent to or from the Attorney General of Vermont are inherently work-related and unlikely to involve private matters.

Finally, Defendants argue that questions about "record preservation [and] when records were turned over" exceeded the scope of the Deposition as set by this Court, and "go beyond 'discovering…the extent to which [Sorrell] has documents and correspondence on his email account.'" (Defs.' Opp. Mot. Compel at 9). Such questions asked the following:

- when records were turned over from a personally-controlled account to the AGO;

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[20] Virginia Office of the Attorney General, Press Release, *Attorney General Herring Joins Colleagues from 17 State to Announce Coalition to Curb Climate Change* (March 29, 2016), https://oag.state.va.us/media-center/news-releases/725-march-29-2016-attorney-general-herring-joins-colleagues-from-17-states-to-announce-coalition-to-curb-climate-change. Then-Attorney General Kamala Harris was quoted in the release, stating that she was "proud to join this effort [the climate change coalition] to preserve and protect our natural resources for future generations to come."

[21] See, e.g., emails from DGA Policy Director Kwame Boadi to governors offices, obtained under various states' open records laws. **Ex. A.**

- whether emails that are stored in [Sorrell's] trash folder remain there forever, whether they are automatically purged, or whether they are removed by manual action;
- whether any records were located in the Trash folder;
- whether governmental records containing the four search terms at issue in the Plaintiffs' PRA request were ever destroyed;
- what steps [Sorrell] took to preserve records relating to the Plaintiffs' request when he left office as Attorney General of Vermont; and
- whether it was [Sorrell's] pattern and practice to delete or not to delete, work-related emails on his non-official account(s) during the relevant time period.

Pls.' Mot. Compel at 4.

Defendants' fail to offer any support for their claim that such questions fell outside of the scope of the Deposition. The questions posed fall clearly within the scope of the Deposition in that they pertain to the *extent* to which responsive public records are contained on Sorrell's private account(s) and computer(s). For example, information as to Sorrell's management of the trash folder, and whether Sorrell searched said folder, is immediately relevant to determining whether all locations which might contain such records were searched, and whether it would be possible to retrieve public records contained therein. Furthermore, information as to what steps Sorrell took to preserve public records quite plainly could indicate *how* and *where* such records were stored.

Defendants apparently concede that the following question which Sorrell refused to answer was proper: whether [Sorrell's] search was conducted based upon personal knowledge or training.[22] Defendants ascribe Sorrell's refusal to answer Plaintiffs' questions to supposed confusion as to the meaning of the questions themselves. Defendants claim, e.g., that they were unable to decipher Plaintiffs' question of whether Sorrell received training on how to conduct the

[22] D.Oppo. MTC at 12.

search.[23] However, as the transcript reveals, Defendants never sought clarification. **Ex. B to Plaintiffs' Motion to Compel**, (Dep. Tr. 18:17-24 Oct. 23, 2017).

Q. Did you conduct this search based on your own knowledge, or were you trained in how to conduct this search?

MS. SHAFRITZ: Objection.

MR. HARDIN: Instructing him not to answer again?

MS. SHAFRITZ: Instructing him not to answer, yeah.

That Defendants claim to have turned over a new leaf and profess their desire to confer with Plaintiffs is grounds for skepticism. It is not grounds for enabling their obstruction.

Defendants have failed to substantiate their claim that "[m]ost of the questions Plaintiffs highlight in their motion appear designed specifically to explore nonpublic documents." Rather, Plaintiffs asked the eighteen cited questions to probe "the extent to which [Sorrell] has documents on his private email account or computer that relate to the specific records request at issue in this case." These questions all were proper under the PRA and consistent with this Court's October 18 Order as to the scope of the deposition, and *Toensing*. Sorrell's refusal to answer these legitimate questions in discovery is well-documented in the record, and necessitates our request that this Court compel Defendant Sorrell to sit for a new deposition and answer questions.

3. Plaintiffs' motion satisfies Rule 26(h) requirements.

The matter of Sorrell's deposition and its scope has been the direct and indirect subject of numerous motions, emails, letters, discussions, and even an order of this Court directing Sorrell to provide testimony.

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[23] *Id.*

Defendants have, before and during the pendency of this action, routinely attempted to block or delay any and all relief available to Plaintiffs under the PRA, beginning with their initial responses to this request itself. After a previous round of motions, in which Sorrell sought a motion to quash and Plaintiffs sought a cross-motion to compel, the motion to compel was granted and Sorrell sat for a deposition that was to cover "the extent to which he has documents and correspondence on his private email account and computer that relate to the specific public record in this case." Entry Regarding Motion, dated October 18, 2017. Sorrell, under the guidance of the AGO, violated that order by systematically objecting to and refusing to answer questions well within its bounds. The parties have conferred extensively in person, through email, and over the telephone regarding the subject of this discovery dispute. As the transcript shows, the parties also conferred at the deposition as it was ongoing.

In light of the extensive procedural history on this same issue, AGO's bad faith conduct during the deposition, its manifested intention to persist in denying the requested discovery, and its violation of the Court's order, there was no useful purpose in engaging in still further discussions (especially after the deposition had concluded and the damage of a suspended deposition was already done). In this case, "further conference with defense counsel would have been futile." *Volvovitz v. High Ridge Owners Ass'n*, 183 Vt. 647, 647, 945 A.2d 926, 926 (2008); see also *Elhannon LLC v. F.A. Bartlett Tree Expert Co.*, No. 2:14-cv-262, 2017 U.S. Dist. LEXIS 58693, at *30 (D. Vt. Apr. 18, 2017) ([federal] district courts maintain discretion to waive the meet-and-confer requirement. Courts have excused a failure to meet and confer where . . . an attempt to compromise would have been clearly futile. In particular, courts look to the history of negotiations between the parties to determine whether further meet-and-confer efforts would be unfruitful.") (Internal citations and quotations omitted.) Under these

circumstances, the Rule 26(h) requirements should be deemed met by the entire procedural history of the issue or waived as futile.

Conclusion

For the foregoing reasons, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion to Compel and order that Sorrell sit for a new deposition and answer questions consistent with its October 18 Order and beyond in conformity with the ruling in *Toensing*.

Dated at Charlotte, Vermont this 28th day of November 2017.

Energy & Environmental Legal Institute
Free Market Environmental Law Clinic

By: _____

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Certificate of Service

I hereby certify that on this 28th day of November 2017, I served a copy of this pleading by First Class Mail to the following:

William E. Griffin
Chief Assistant Attorney General
David Boyd
Assistant Attorney General
Office of the Vermont Attorney General
109 State Street
Montpelier, Vermont 05609-1001

Dated at Charlotte, Vermont this 28th day of November 2017.

By: _____

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Exhibit A

>
> From: Kwame Boadi [mailto:boadi@[redacted].net]
> Sent: Tuesday, August 11, 2015 11:32 AM
> To: MEUSE Elizabeth * GOV
> Subject: NextGen Climate 50 by 30
>
> Hey Elizabeth,
>
> I hope this finds you well. I wanted to share with you some information and fact sheets from NextGen Climate. Building off of the momentum from the Obama Administrationâ€™s Clean Power Plan, NextGen Climate, led by Tom Steyer, has set forth an ambitious energy agenda that seeks to â€œpower America with more than 50 percent clean and carbon-free energy by 2030.â€
>
> They are actively working to get governors to buy-in and sign on to this effort. Given Oregonâ€™s leadership on energy and climate issues, I think that this would be a great opportunity for you all to advance the efforts that you are already invested in in this space.
>
> There are several different ways that they are looking for governors to partner, depending on your bossâ€™ level of interest. It can be as simple as a public statement or tweet that could be incorporated into some earned media opportunity â€“ op-eds, public events, or accountability on climate deniers.
>
> Naturally, this is a great opportunity to provide a contrast with other governors who are unsupportive of the Clean Power Plan and efforts to curb climate change.
>
> Take a look at the documents and let me know what you think. If there is interest from your office, letâ€™s discuss next steps.
>
> Best,
> Kwame
> _____
> Kwame Boadi
> Policy Director
> Democratic Governors Association
> 1401 K Street, NW, Suite 200
> Washington, DC 20005
> boadi@dga.net<mailto:boadi@dga.net> | (o) 202.739.2518 | (m) 202.779.1476
>
>
>
> <NGC Fact Sheet 50 by 30.pdf>

> <NGC Talking Points 50 by 30.docx>
> <NGC The Economic Case for Clean Energy.pdf>

From: Kwame Boadi
To: Sam Ricketts
Date: Aug 11, 2015, 1:05 PM
Subject: NextGen Climate 50 by 30
AttachmentList: 3

Hey Sam,

I hope August is treating you well. I wanted to share with you some information and fact sheets from NextGen Climate. Building off of the momentum from the Obama Administrationís Clean Power Plan, NextGen Climate, led by Tom Steyer, has set forth an ambitious energy agenda that seeks to lpower America with more than 50 percent clean and carbon-free energy by 2030.ł

They are actively working to get governors to buy-in and sign on to this effort. Given Governor Inslees's leadership on energy and climate issues, I think that this would be a great opportunity for you all to advance the efforts that you are already invested in in this space.

There are several different ways that they are looking for governors to partner, depending on your bossí level of interest. It can be as simple as a public statement or tweet that could be incorporated into some earned media opportunity ñ op-eds, public events, or accountability on climate deniers.

Naturally, this is a great opportunity to provide a contrast with other governors who are unsupportive of the Clean Power Plan and efforts to curb climate change.

Take a look at the documents and let me know what you think. If there is interest from your office, letís discuss next steps.

Best,
Kwame

Kwame Boadi
Policy Director
Democratic Governors Association
1401 K Street, NW, Suite 200

From: Kwame Boadi
Sent: Tuesday, August 11, 2015 2: PM
To: Pam Walsh
Subject: NextGen Climate 50 by 30

Hey Pam,

I hope this finds you well. I wanted to share with you some information and fact sheets from NextGen Climate. Building off of the momentum from the Obama Administration's Clean Power Plan, NextGen Climate, led by Tom Steyer, has set forth an ambitious energy agenda that seeks to "power America with more than 50 percent clean and carbon-free energy by 2030."

They are actively working to get governors to buy-in and sign on to this effort. Given Gov. Hassan's supportive statements on the Clean Power Plan, I think that this would be a great opportunity for you all to advance the efforts that you are already invested in in this space.

There are several different ways that they are looking for governors to partner, depending on your boss' level of interest. It can be as simple as a public statement or tweet that could be incorporated into some earned media opportunity – op-eds, public events, or accountability on climate deniers.

Naturally, this is a great opportunity to provide a contrast with other governors who are unsupportive of the Clean Power Plan and efforts to curb climate change.

Take a look at the documents and let me know what you think. If there is interest from your office, let's discuss next steps.

Best,

Kwame

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