

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

ENERGY POLICY ADVOCATES,

Plaintiff,

v.

Case No. D-202-CV-2020-03587

HECTOR BALDERAS, ATTORNEY
GENERAL FOR THE STATE OF
NEW MEXICO,

Defendant.

COMPLAINT TO ENFORCE THE INSPECTION OF PUBLIC RECORDS ACT

COMES NOW Energy Policy Advocates (“Plaintiff”), by and through counsel, Eric Neal Cornett and Pat Rogers, pursuant to NMSA 1978, § 14-2-12, who hereby respectfully brings this Complaint to obtain public records and enforce the Inspection of Public Records Act, NMSA 1978, § 14-2-1 to -12 (“IPRA”), and to further award Plaintiff damages, attorneys’ fees and costs for this bringing this action. Plaintiff states and alleges as follows:

PARTIES

1. Plaintiff Energy Policy Advocates (“EPA”) is a nonprofit organization incorporated in the State of Washington dedicated to transparency and open government. EPA uses state and federal open records laws to shed light on—and thereby inform and educate the public about—private influences on government policymaking and the use or misuse of public office. Part of EPA’s effort has been the record requests at issue in this matter and similar requests made of attorneys general offices nationwide.

2. Defendant Hector Balderas is the Attorney General (“AG”) for the State of New

Mexico and is subject to the IPRA. NMSA 1978, § 14-2-6. The AG has significant responsibilities under the IPRA, including the role of an enforcing party. NMSA 1978 § 14-2-12. The Office of the Attorney General (“OAG”) published the Inspection of Public Records Act Compliance Guide, which states “[t]he law requires public access to virtually all public records” and encourages public officials to “be reasonable in providing public access and to honor all legitimate requests for records.”¹

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to NMSA 1978, § 14-2-12.
4. Venue is proper before this Court pursuant to NMSA 1978, § 38-3-1(G).

STATEMENT OF FACTS

5. The IPRA was enacted “to ensure...that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees... provid[ing] persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.” NMSA 1978 § 14-2-5.

6. The instant matter originates from six (6) IPRA requests submitted to OAG by the Plaintiff in March and April 2020. The requests concern certain purported “common interest agreements” entered into by OAG, alternately declared in their text to be “confidentiality agreements,” and correspondence with outside parties OAG is shielding by citing to, e.g., those purported agreements.

¹ New Mexico Inspection Of Public Records Act Compliance Guide, Eighth Edition 2015, available at <https://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Inspection%20of%20Public%20Records%20Compliance%20Guide%202015.pdf>

7. These purported agreements and any correspondence between and among parties to the agreements are of tremendous public importance. OAG's reticence to disclose any correspondence and even the agreements themselves is a remarkable reversal from prior statements for public consumption, insisting that the OAG has nothing to hide.²

The March 27, 2020 IPRA Request

8. On March 27, 2020, Plaintiff requested certain described correspondence of three OAG employees with an employee of the New York State Office of Attorney General as well as correspondence over a particular period of time that included the names "Bachmann" and/or "Goffman". **(Exhibit 1)**.

9. On April 1, 2020, the OAG provided a "three day letter" confirming receipt of the request and providing an estimated date for production.³

10. On May 22, 2020, Defendant provided three (3) pages of responsive records and stated in the accompanying letter that "[e]nclosed are documents maintained by the Office of the New Mexico Attorney General, responsive to your request and available for inspection. If you have any questions about your request or this Office's response, please let me know." **(Exhibits 2 & 3)**.

11. Defendant did not indicate whether it produced all responsive records or withheld some in full.

12. Plaintiff inquired about this lack of detail, and Defendant did not respond.

² Dan McKay, "Outside Attorneys in AG's Office face criticism," *Albuquerque Journal*, July 15, 2019, available at <https://www.abqjournal.com/1340423/outside-attorneys-in-ags-office-face-criticism-ex-two-lawyers-funded-by-nyu-school-of-law-focus-on-clean-energy-climate-and-environment.html>. See also, Editorial, "NM AG's staff must serve public, not special interests," *Albuquerque Journal* Editorial Board, July 19, 2019, available at <https://govoversight.org/wp-content/uploads/2020/06/AJ-AGO-oped.pdf>.

³ The issuance of a "three day letter" is standard practice in OAG and the failure to receive such a letter led to Plaintiff resubmit the "April 1, 2020" request, which Plaintiff first submitted on March 16, 2020. Plaintiff otherwise received such letters for this and all IPRA requests described, *infra*.

The April 1, 2020 IPRA Request

13. On March 16, 2020, by electronic mail Plaintiff requested all common interest agreements entered into by the OAG from 2017 through 2020. **(Exhibit 4)**.

14. On April 1, 2020, Plaintiff, having not received the standard “three day letter”, inquired if Defendant had received the request. Defendant stated it had not received the request. Plaintiff resubmitted the request that day and Defendant confirmed receipt. **(Exhibit 5 & 6)**.

15. Defendant provided redacted copies of certain such agreements on May 1, May 15, and May 29, 2020. In each letter accompanying the redacted records, OAG stated the redactions were made pursuant to NMSA 1978, § 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as the agreements constituted attorney work-product.⁴ **(Exhibits 7, 8, 9, 10, 11, & 12)**.

16. Each time, Defendant also wrote that while it anticipated all records would be ready at each date it responded, it required additional extensions for search and review.

17. On June 1, 2020, Plaintiff wrote to the OAG about, *inter alia*, narrowing the universe of potentially responsive documents to only those signed by the OAG employees William Grantham, Anne Minard, and/or Robert Lundin.⁵ **(Exhibit 13)**.

18. Ms. Minard and Mr. Lundin, as indicated in Footnote 4, were and possibly are both New York University School of Law State Energy and Environmental Impact Center employees “seconded” to OAG as “legal fellows.” This peculiar arrangement has already drawn attention

⁴ NMSA 1978, § 14-2-1(A)(4) no longer exists. The 2019 amendments to the IPRA re-designated former paragraphs A(1) through A(8) as subsections A through H, respectively. NMSA 1978, § 14-2-1(D) excludes certain categories of law enforcement records. The application to the requests or responses was not explained. Rule 1-026(B)(4) concerns the scope of discovery related to insurance agreements.

⁵ Plaintiff uses the term “employee” colloquially here, as it is not clear that Ms. Minard or Mr. Lundin are OAG “employees.” Public records indicate they came to the Office, in fact, hired by a private entity that was created for this purpose of placing private attorneys in OAGs as “Special Assistant Attorneys General” to pursue energy and environment priorities of the organization’s creator, activist Michael Bloomberg, then “seconded” to OAG.

from New Mexico media outlets⁶, and any secrecy or purported “common interest” agreement to shield public records from the public signed by either raises further serious issues about the influence of donors and private entities on the Office of the Attorney General.

19. On June 12, 2020, Defendant provided redacted copies of fifty-one (51) pages of common interest agreements, again citing NMSA 1978, § 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA in the accompanying letter. The first, third, and fourth of four such purported contracts nominally provided were redacted in their entirety, from the title, through the subject and scope, the boilerplate, and all signatures and dates thereof. **(Exhibits 14 & 15)**

The April 7, 2020 IPRA Request

20. On April 7, 2020, Plaintiff requested all electronic correspondence of three OAG employees containing the phrase “Multistate AG Coordination Call” on six specific dates in 2019. **(Exhibit 16).**

21. On April 22, 2020, Defendant provided a single email and notice that further review and search was needed. **(Exhibit 17 & 18).**

22. On May 7, 2020, Defendant provided a closing letter stating it had found no further records. **(Exhibit 19).**

23. Public records obtained from other offices demonstrate that Defendant’s response is incomplete and that public documents have been improperly withheld.

The April 12, 2020 IPRA Request

24. On April 12, 2020, Plaintiff requested similarly described correspondence of a single employee for three separate dates. Plaintiff also sought all correspondence over a several-

⁶ Editorial, “NM AG’s staff must serve public, not special interests,” *Albuquerque Journal* Editorial Board, July 19, 2019, available at <https://govoversight.org/wp-content/uploads/2020/06/AJ-AGO-oped.pdf>.

month period of the same individual that included the phrases “affirmative climate” or “GHG emissions affirmative legislation”. **(Exhibit 20)**.

25. On April 27, 2020, Defendant provided a single email and stated in the accompanying letter that “[e]nclosed are documents maintained by the Office of the New Mexico Attorney General, responsive to your request and available for inspection.” **(Exhibit 21 & 22)**.

26. Defendant did not indicate whether it produced all responsive records or withheld some records in full.

27. Public records obtained from other offices demonstrate that Defendant’s response is incomplete, and public information and documents have been improperly withheld.

The April 17, 2020 IPRA Request

28. On April 17, 2020, Plaintiff requested all notices of, cancellations of, and/or invitations to participate in a multistate call sent to a named OAG employee by either of two employees of Oregon’s Department of Justice. The request also sought all correspondence received by the OAG official from either of those two Oregon Department of Justice employees on three days in July 2019. **(Exhibit 23)**.

29. On May 1, 2020, Defendant provided six pages of redacted responsive records and notice that further review and search was needed. Defendant redacted these records, again pursuant to the nonexistent statute and inapplicable rule, NMSA 1978, § 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as protected attorney work-product. **(Exhibit 24 & 25)**.

30. On May 29, 2020, Defendant wrote to Plaintiff stating it had found no further records. **(Exhibit 26)**.

The April 28, 2020 IPRA Request

31. On April 28, 2020, Plaintiff requested all correspondence of a named OAG employee containing both “complaint” and any of the following: “criteria pollutant”, “greenhouse gas”, or “GHG”. Plaintiff also requested all notices sent or received, pursuant to any common interest agreement, of any public records request or lawsuit submitted by Plaintiff Energy Policy Advocates and/or individuals associated with Energy Policy Advocates. **(Exhibit 27)**.

32. On May 28, 2020, Defendant provided 133 pages of mostly redacted responsive records. In the accompanying letter, Defendant cited NMSA § 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as grounds for redactions, alleging the communications constituted “protected attorney work-product and Common Interest Agreements.” **(Exhibit 28 & 29)**.

33. Defendant redacted the majority of the information in the correspondence with outside parties, including the dates of certain correspondence; the attachments, and titles of attachments, including when those attachments were public records requests which are non-exempt public records; the identities of records requesters including the Plaintiff, EPA; and the identities of all of the corresponding parties.

34. The withheld information in and attached to these public records is purely factual, non-exempt information that cannot be legally withheld.

35. Defendant wrote, *inter alia*, “Enclosed are records responsive to your request and available for inspection, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product and Common Interest Agreements. If you have any questions about your request, or this Office’s response, please let me know.”

Plaintiff's Subsequent Request for Clarification of Responses

36. On May 29, 2020, Plaintiff wrote to Defendant, noting its word choice in responding to four of the IPRA requests did not specify whether all records were produced in some form or whether instead some were withheld in full under some claim of exemption. Plaintiff specifically inquired as to whether any responsive records to any requests were withheld in their entirety. **(Exhibit 30)**.

37. On June 1, 2020, Plaintiff also wrote to Defendant inquiring if any records responsive to the April 28, 2020, request had been withheld in their entirety. **(Exhibit 31)**.

38. On June 2, 2020, Defendant replied to Plaintiff's May 29, 2020, email stating, "I am looking into this matter." **(Exhibit 32)**.

39. On June 5, 2020, Plaintiff again wrote to Defendant for clarification on withholdings in response to the five requests seeking correspondence and to confirm that subsequent searches for common interest agreements would be limited to those signed by Mr. Grantham, Mr. Lundin, and/or Ms. Minard. **(Exhibit 33)**.

40. To date, Defendant has not responded to the requests for clarification or otherwise confirmed whether any records were withheld in full, nor has Defendant provided any response affirming that subsequent searches for agreements would be limited to those signed by Mr. Grantham, Mr. Lundin, and/or Ms. Minard. In fact, Defendant's most recent production of 51 almost entirely redacted pages provides no indication that the search has been narrowed, redacting all signatories including those previously released.

COUNT I: VIOLATION OF THE INSPECTION OF PUBLIC RECORDS ACT

(Injunctive Relief for Improperly Redacted Records)

41. Plaintiff incorporates by reference the allegations set forth above.

42. Pursuant to NMSA 1978, § 14-2-1, Defendant has violated the New Mexico Inspection of Public Records Act by failing to provide the requested public records.

43. Defendant's failure to properly explain the applicability of the cited exemptions justifying the redaction of certain requested records violates NMSA 1978, § 14-2-11(B) by failing to provide sufficient written explanation of its denials.

44. Defendant has provided no explanation for the application of any of the asserted exemptions. Instead, Defendant has only provided conclusory statements asserting portions of public records are exempt material.

45. Further, Defendant's heavy-handed use of redactions violates the IPRA as the purely factual information withheld from public records and related correspondence. Senders and recipients, the names of IPRA requesters, copies of the requests, and even dates of certain correspondence cannot be considered exempt under any of the cited statutory exemptions.

46. Defendant's failure to provide a sufficient written explanation of the denials was unreasonable and in violation of IPRA.

47. Defendant's unlawful redactions entitle Plaintiff to an injunction ordering Defendant to provide un-redacted copies of all requested records or, in the alternative and following an *in camera* review, copies of the records with only any limited, properly exempt portions and information redacted.

COUNT II: VIOLATION OF THE INSPECTION OF PUBLIC RECORDS ACT

(Injunctive Relief for Improperly Withheld Records)

48. Plaintiff incorporates by reference the allegations set forth above.

49. Pursuant to NMSA 1978, § 14-2-1, Defendant has violated the New Mexico Inspection of Public Records Act by failing to provide the requested public records.

50. Defendant's failure to provide a proper response as described above and declining to inform Plaintiff whether Defendant withheld any information in full in response to the above-described requests violates NMSA 1978, § 14-2-11(B) by failing to provide sufficient written explanation of its denials.

51. Defendant's claimed exemptions – attorney work-product, law enforcement records, common interest agreements, and insurance agreements – do not permit the exclusions of entire records from public inspection. NMSA 1978, § 14-2-9(A) provides that “public records containing information that is exempt and nonexempt from disclosure shall be separated by the custodian prior to inspection, and the nonexempt information shall be made available.”

52. Defendant's failure to provide a sufficient written explanation of the denial was unreasonable and in violation of IPRA.

53. Defendant's unlawful withholdings of requested records and refusal to confirm that this had been done entitles Plaintiff to an injunction ordering Defendant to provide un-redacted copies of all requested records, or in the alternative and following an *in camera* review, copies of the records with only any limited, properly exempt portions and information redacted.

COUNT III: VIOLATION OF THE INSPECTION OF PUBLIC RECORDS ACT

(Statutory Damages)

54. Plaintiff incorporates by reference the allegations set forth above.

55. Pursuant to NMSA 1978, § 14-2-11(B), Defendant has violated the IPRA by failing to provide a sufficient explanation of its denial. Defendant has failed to “set forth the names and titles or positions of each person responsible for the denial”, as required by statute, and failed to provide a sufficient explanation for why certain records were withheld in full or redacted. NMSA 1978, § 14-2-11(B)(2).

56. Defendant's failure to provide a sufficient written explanation of the denial was unreasonable.

57. Pursuant to NMSA 1978, § 14-2-11(C), Plaintiff is entitled to damages of up to one hundred dollars (\$100) per day accruing from the date Defendant failed to comply with the statute.

58. Pursuant to NMSA 1978 § 14-2-12(D), Plaintiff is entitled to damages, costs, and reasonable attorney's fees.

WHEREFORE, pursuant to the IPRA, Plaintiff respectfully requests that this Court exercise its jurisdiction and grant the following relief:

A. Order Defendant to produce copies of the public records responsive to Plaintiff's requests, or in the alternative and following an *in camera* review, copies of the public records with the limited, properly exempt portions and information redacted.

B. Award statutory damages pursuant to NMSA 1978 § 14-2-11(C).

C. Award damages, costs, and attorneys' fees to Plaintiff.

D. Grant such other and further relief as the Court deems proper.

Respectfully submitted,

ENERGY POLICY ADVOCATES

/s/ Eric Neal Cornett

Eric Neal Cornett

P.O. Box 728

Hyden, KY 41749

(606) 275-0978

Kentucky State Bar. No. 96266

Application to appear *Pro Hac Vice* pending

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Albuquerque, NM 87102

(505) 938-3335

patrogers@patrogerslaw.com

Attorneys for Plaintiff

REQUEST UNDER NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT

March 27, 2020

Records Custodian
New Mexico Attorney General's Office
PO Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov

Re: Certain Correspondence and Invitations

Dear Sir or Madam:

On behalf of Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records:

1. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Anne Minard, ii) Robert Lundin, and/or iii) Cholla Khoury, that b) includes, *anywhere*, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email "thread", including also in any attachments, i) Bachmann, and/or ii) Goffman, and c) is dated from November 1, 2019 through the date you process this request, inclusive;
2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Anne Minard, ii) Robert Lundin, and/or iii) Cholla

EXHIBIT 1

Khoury, that b) was sent from michael.myers@ag.ny.gov, and c) is dated from November 4, 2019 through November 8, 2019, inclusive *and* November 17, 2019, and

3. any invitation sent or received from michael.myers@ag.ny.gov to participate in a November 18, 2019 telephone call.

Regarding ## 1 & 2 above, we request entire “threads” of which any responsive electronic correspondence is a part, regardless whether any portion falls outside of the above time parameter.

Also for ## 1 & 2, to narrow this request, please consider as non-responsive electronic correspondence that merely receives or forwards newsletters or press summaries or ‘clippings’, such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).

Additionally, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded to or from the named persons with substantive commentary added by the sender.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, EPA is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. EPA's ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and the [ClimateLitigationWatch.org](https://www.climatelitigationwatch.org) project dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA and published on [ClimateLitigationWatch.org](https://www.climatelitigationwatch.org) have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we

¹ See, e.g., The Editorial Board, "State AGs' Climate Cover-Up" Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, "Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation" Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also "Climate Strike Sparks Debate on Use of Students as Props", <https://www.realclearpolicy.com/2019/03/15/climate-strike-sparks-debate-on-use-of-students-as-props-41180.html>. Valerie Richardson, "Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit" Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, "Emails reveals how children become pawns of climate alarmism", Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. *(Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)*” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 22, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On March 27, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

1. *all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Anne Minard, ii) Robert Lundin, and/or iii) Cholla Khoury, that b) includes, anywhere, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email "thread", including also in any attachments, i) Bachmann, and/or ii) Goffman, and c) is dated from November 1, 2019 through the date you process this request, inclusive;*
2. *all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Anne Minard, ii) Robert Lundin, and/or iii) Cholla Khoury, that b) was sent from michael.myers@ag.ny.gov, and c) is dated from November 4, 2019 through November 8, 2019, inclusive and November 17, 2019, and*
3. *any invitation sent or received from michael.myers@ag.ny.gov to participate in a November 18, 2019 telephone call. Regarding ## 1 & 2 above, we request entire "threads" of which any responsive electronic correspondence is a part, regardless whether any portion falls outside of the above time parameter. Also*

Matthew D. Hardin

May 22, 2020

Page 2

for ## 1 & 2, to narrow this request, please consider as non-responsive electronic correspondence that merely receives or forwards newsletters or press summaries or 'clippings', such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only "fyi", or "interesting"). Additionally, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded to or from the named persons with substantive commentary added by the sender.

Enclosed are documents maintained by the Office of the New Mexico Attorney General, responsive to your request and available for inspection. If you have any questions about your request or this Office's response, please contact this office. .

Sincerely,



Patricia M. Salazar
Open Government Division

From: [Myers, Michael](#)
To: [Aaron Kleinbaum \(NJ\)](#); [Aaron Love \(NJ\)](#); [Adam Duh \(PADEP\)](#); [Aimee Thomson \(PA AG\)](#); [Alison Hoffman \(RI\)](#); [Amy Beatie \(CO\)](#); [Andrea Baker](#); [Andy Goldberg](#); [Ann Johnston \(PA\)](#); [Anne Minard \(NM\)](#); [Arsenio Mataka \(CA\)](#); [Asher Spiller](#); [Aurora Janke](#); [Beth Mullin \(DC\)](#); "[Bill F. Cooper \(Hi\)](#)"; [Bill Sherman -- WA AG's office](#); [Blake Thomas \(NC\)](#); [Bo Reiley](#); [Bobby Schena \(PA DEP\)](#); [Brad Motl \(WI\)](#); [Brian Caldwell \(DC\)](#); [Burianek, Lisa](#); [Carrie Noteboom \(CO\)](#); [Cheerful Catuano \(WA AG\)](#); [Chris Ryder \(PA DEP\)](#); [Christie Vosburg \(CA\)](#); [Christopher Courchesne](#); [Cindy Chang \(WA\)](#); [Costello, Morgan](#); [Dan Nubel \(NV\)](#); [Daniel Rottenberg \(IL\)](#); [David Apy \(NJ\)](#); [David Hoffman \(DC\)](#); [David Zaft \(CA\)](#); "[David Zonana \(Ca\)](#)"; [Dennis Beck \(CA\)](#); [Dennis Ragen](#); [Dianna Shinn \(NJ\)](#); [Dirth, Eric](#); "[Elaine Meckenstock \(Ca\)](#)"; [Elizabeth Davis \(PA DEP\)](#); [Elizabeth Morrisseau](#); [Emily Nelson \(WA\)](#); [Emily Vainieri](#); [Eric Katz \(CA\)](#); [Francisco Benzoni \(NC AG\)](#); [Greg Schultz](#); [Heather Leslie](#); "[Jacob Larson \(Ia\)](#)"; [Jameson Tweedie \(DE\)](#); [Jason James \(IL\)](#); [JB Howard \(MD\)](#); [Jennie Demjanick \(PA DEP\)](#); [Jennifer Fradel \(NJ\)](#); [Jesse Walker](#); [Jill Lacedonia \(CT\)](#); [Jillian Riley](#); "[Jonathan Wiener \(Ca\)](#)"; [Josh Auerbach](#); [Josh Segal \(MD\)](#); [Kavita Lesser \(CA\)](#); "[Kristen Furlan](#)"; [Kristen Mitchell \(WA\)](#); [Laura Watson](#); "[Lauren Maxwell \(DC\)](#)"; [Leah Tulin \(MD AG\)](#); [Leigh Currie \(MN\)](#); [Leslie Frederickson \(MN PCA\)](#); [Leslie Seffern](#); "[Liz Rumsey \(Ca\)](#)"; [Lynn Angotti](#); [Magliaro, Jeremy](#); [Marc Bernstein \(NC\)](#); [Margaret Murphy \(PA\)](#); [Martin Goyette \(CA\)](#); [Mary Sauer \(ME\)](#); "[Matthew Dunn \(II\)](#)"; [Matthew Levine](#); [McCabe, Gavin](#); [Megan Herzog](#); [Megan Hey \(CA\)](#); [Megan Ulrich \(MDE\)](#); [Melissa Hoffer](#); [Menard, Brenda \(NC\)](#); [Michelle Moses \(PA\)](#); [Mike Fischer \(PA AG\)](#); [Nate Zolick \(WI\)](#); [Neil Gordon \(MI\)](#); [Nick Persampieri](#); [Oliver Larson \(MN\)](#); [Patrick Flanagan](#); [Paul Garrahan](#); [Paul Kugelman \(VA\)](#); [Pete Surdo \(MN\)](#); "[Ralph Durstein \(De\)](#)"; [Robert Snook](#); "[Roberta James \(Md\)](#)"; [Robyn Bender \(DC AG\)](#); [Sally Magnani](#); [Sarah Kogel-Smucker \(DC\)](#); [Sarah Morrison \(CA AG\)](#); [Scott Boak \(ME\)](#); "[Scott Koschwitz \(Ct\)](#)"; [Seth Schofield \(MA\)](#); [Skip Pruss \(MI\)](#); [Srolovic, Lemuel](#); [Stephen St. Vincent \(PA\)](#); [Steve Novick \(OR\)](#); [Steven Goldstein \(MD\)](#); [Susan Shinkman \(DC\)](#); [Tania Maestas](#); [Taylor Crabtree \(NC\)](#); [Tim Nord](#); "[Timothy Sullivan \(Ca\)](#)"; [Tom Y \(WA\)](#); "[Tracy Triplett \(Ma\)](#)"; [Tricia Jedele](#); [Turner Smith \(MA\)](#); "[Valerie Edge \(De\)](#)"; [Wagner, Monica](#); [Washburn, Peter](#); [William Grantham](#)
Subject: RE: Multistate AG Coordination Call
Date: Tuesday, November 12, 2019 7:39:20 AM

One additional item, hot off the press (supplemental proposal on "secret science" rule):

<https://www.nytimes.com/2019/11/11/climate/epa-science-trump.html>

<https://int.nyt.com/data/documenthelper/6438-epa-science-rule/0056cd3a5a080415e713/optimized/full.pdf#page=1>

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: Myers, Michael
Sent: Tuesday, November 12, 2019 9:09 AM
To: 'Aaron Kleinbaum (NJ)' <Aaron.Kleinbaum@law.njoag.gov>; 'Aaron Love (NJ)' <Aaron.Love@law.njoag.gov>; 'Adam Duh (PADEP)' <aduh@pa.gov>; 'Aimee Thomson (PA AG)' <athomson@attorneygeneral.gov>; 'Alison Hoffman (RI)' <AHoffman@riag.ri.gov>; 'Amy Beatie (CO)' <Amy.Beatie@coag.gov>; 'Andrea Baker' <Andrea.Baker@maryland.gov>; 'Andy Goldberg' <andy.goldberg@state.ma.us>; 'Ann Johnston (PA)' <ajohnston@attorneygeneral.gov>; 'Anne Minard (NM)' <aminard@nmag.gov>; 'Arsenio Mataka (CA)' <Arsenio.Mataka@doj.ca.gov>; 'Asher Spiller' <Aspiller@ncdoj.gov>; 'Aurora Janke' <AuroraJ@ATG.WA.GOV>; 'Beth Mullin (DC)' <beth.mullin@dc.gov>; 'Bill F. Cooper (Hi)' <Bill.F.Cooper@hawaii.gov>; 'Bill Sherman -- WA AG's office' <BillS5@ATG.WA.GOV>; 'Blake Thomas (NC)' <bthomas@ncdoj.gov>; 'Bo Reiley' <rreiley@state.pa.us>; 'Bobby Schena (PA DEP)' <roschena@pa.gov>; 'Brad Motl (WI)' <motlbj@doj.state.wi.us>; 'Brian Caldwell (DC)' <brian.caldwell@dc.gov>; Burianek, Lisa

EXHIBIT 3

<Lisa.Burianek@ag.ny.gov>; 'Carrie Noteboom (CO)' <Carrie.Noteboom@coag.gov>; 'Cheerful Catuano (WA AG)' <CheerfulC@ATG.WA.GOV>; 'Chris Ryder (PA DEP)' <chriryder@pa.gov>; 'Christie Vosburg (CA)' <Christie.Vosburg@doj.ca.gov>; 'Christopher Courchesne' <christophe.courchesne@state.ma.us>; 'Cindy Chang (WA)' <Cindy.Chang@ATG.WA.GOV>; Costello, Morgan <Morgan.Costello@ag.ny.gov>; 'Dan Nubel (NV)' <Dnubel@ag.nv.gov>; 'Daniel Rottenberg (IL)' <DRottenberg@atg.state.il.us>; 'David Apy (NJ)' <David.Apy@law.njoag.gov>; 'David Hoffman (DC)' <David.Hoffmann@dc.gov>; 'David Zaft (CA)' <david.zaft@doj.ca.gov>; 'David Zonana (Ca)' <David.Zonana@doj.ca.gov>; 'Dennis Beck (CA)' <Dennis.Beck@doj.ca.gov>; 'Dennis Ragen' <dennis.ragen@doj.ca.gov>; 'Dianna Shinn (NJ)' <Dianna.Shinn@law.njoag.gov>; 'Dirth, Eric' <eric.dirth@ag.iowa.gov>; 'Elaine Meckenstock (Ca)' <Elaine.Meckenstock@doj.ca.gov>; 'Elizabeth Davis (PA DEP)' <elidavis@pa.gov>; 'Elizabeth Morrisseau' <MorrisseauE@michigan.gov>; 'Emily Nelson (WA)' <emily.nelson@atg.wa.gov>; 'Emily Vainieri' <emily.vainieri1@maryland.gov>; 'Eric Katz (CA)' <Eric.Katz@doj.ca.gov>; 'Francisco Benzoni (NC AG)' <Fbenzoni@ncdoj.gov>; 'Greg Schultz' <gSchultz@riag.ri.gov>; 'Heather Leslie' <Heather.Leslie@doj.ca.gov>; 'Jacob Larson (Ia)' <Jacob.Larson@iowa.gov>; 'Jameson Tweedie (DE)' <Jameson.Tweedie@delaware.gov>; 'Jason James (IL)' <jjames@atg.state.il.us>; 'JB Howard (MD)' <jbhoward@oag.state.md.us>; 'Jennie Demjanick (PA DEP)' <jdemjanick@pa.gov>; 'Jennifer Fradel (NJ)' <jennifer.fradel@law.njoag.gov>; 'Jesse Walker' <jeswalker@pa.gov>; 'Jill Lacedonia (CT)' <Jill.Lacedonia@ct.gov>; 'Jillian Riley' <jillian.riley@state.ma.us>; 'Jonathan Wiener (Ca)' <Jonathan.Wiener@doj.ca.gov>; 'Josh Auerbach' <jauerbach@oag.state.md.us>; 'Josh Segal (MD)' <jsegal@oag.state.md.us>; 'Kavita Lesser (CA)' <kavita.lessner@doj.ca.gov>; 'Kristen Furlan' <kfurlan@pa.gov>; 'Kristen Mitchell (WA)' <KristenM1@ATG.WA.GOV>; 'Laura Watson' <lauraw2@atg.wa.gov>; 'Lauren Maxwell (DC)' <lauren.maxwell@dc.gov>; 'Leah Tulin (MD AG)' <ltulin@oag.state.md.us>; 'Leigh Currie (MN)' <Leigh.Currie@ag.state.mn.us>; 'Leslie Frederickson (MN PCA)' <leslie.fredrickson@state.mn.us>; 'Leslie Seffern' <LeslieS@ATG.WA.GOV>; 'Liz Rumsey (Ca)' <Liz.Rumsey@doj.ca.gov>; 'Lynn Angotti' <lynn.angotti@maryland.gov>; Magliaro, Jeremy <Jeremy.Magliaro@ag.ny.gov>; 'Marc Bernstein (NC)' <mbernstein@ncdoj.gov>; 'Margaret Murphy (PA)' <mamurphy@pa.gov>; 'Martin Goyette (CA)' <Martin.Goyette@doj.ca.gov>; 'Mary Sauer (ME)' <Mary.Sauer@maine.gov>; 'Matthew Dunn (IL)' <MDunn@atg.state.il.us>; 'Matthew Levine' <Matthew.Levine@ct.gov>; McCabe, Gavin <Gavin.McCabe@ag.ny.gov>; 'Megan Herzog' <megan.herzog@state.ma.us>; 'Megan Hey (CA)' <Megan.Hey@doj.ca.gov>; 'Megan Ulrich (MDE)' <megan.ulrich@maryland.gov>; 'Melissa Hoffer' <Melissa.Hoffer@MassMail.State.MA.US>; 'Menard, Brenda (NC)' <BMenard@ncdoj.gov>; 'Michelle Moses (PA)' <mmoses@pa.gov>; 'Mike Fischer (PA AG)' <mfischer@attorneygeneral.gov>; Myers, Michael <Michael.Myers@ag.ny.gov>; 'Nate Zolick (WI)' <ZolikNJ@doj.state.wi.us>; 'Neil Gordon (MI)' <gordonN1@michigan.gov>; 'Nick Persampieri' <nick.persampieri@vermont.gov>; 'Oliver Larson (MN)' <Oliver.Larson@ag.state.mn.us>; 'Patrick Flanagan' <Patrick.A.Flanagan@doj.state.or.us>; 'Paul Garrahan' <Paul.Garrahan@doj.state.or.us>; 'Paul Kugelman (VA)' <PKugelman@oag.state.va.us>; 'Pete Surdo (MN)' <Peter.Surdo@ag.state.mn.us>; 'Ralph Durstein (De)' <Ralph.Durstein@state.de.us>; 'Robert Snook' <Robert.snook@ct.gov>; 'Roberta James (Md)' <Roberta.James@maryland.gov>; 'Robyn Bender (DC AG)' <robyn.bender@dc.gov>; 'Sally Magnani' <Sally.Magnani@doj.ca.gov>; 'Sarah Kogel-Smucker (DC)' <Sarah.Kogel-Smucker@dc.gov>; 'Sarah Morrison (CA AG)' <Sarah.Morrison@doj.ca.gov>; 'Scott Boak (ME)' <scott.boak@maine.gov>; 'Scott Koschwitz (Ct)' <Scott.Koschwitz@ct.gov>; 'Seth Schofield (MA)' <seth.schofield@state.ma.us>; 'Skip Pruss (MI)' <pruss@5lakesenergy.com>; Srolovic, Lemuel <Lemuel.Srolovic@ag.ny.gov>; 'Stephen St. Vincent (PA)'

<sstvincent@attorneygeneral.gov>; 'Steve Novick (OR)' <Steve.Novick@doj.state.or.us>; 'Steven Goldstein (MD)' <sgoldstein@oag.state.md.us>; 'Susan Shinkman (DC)' <Susan.Shinkman@dc.gov>; 'Tania Maestas' <tmaestas@nmag.gov>; 'Taylor Crabtree (NC)' <tcrabtree@ncdoj.gov>; 'Tim Nord' <Tim.D.Nord@doj.state.or.us>; 'Timothy Sullivan (Ca)' <Timothy.Sullivan@doj.ca.gov>; 'Tom Y (WA)' <TomY@atg.wa.gov>; 'Tracy Triplett (Ma)' <tracy.triplett@state.ma.us>; 'Tricia Jedele' <TJedele@riag.ri.gov>; 'Turner Smith (MA)' <turner.smith@state.ma.us>; 'Valerie Edge (De)' <Valerie.Edge@state.de.us>; Wagner, Monica <Monica.Wagner@ag.ny.gov>; Washburn, Peter <Peter.Washburn@ag.ny.gov>; 'William Grantham' <wgrantham@nmag.gov>

Subject: Multistate AG Coordination Call

All—A reminder that we have a multistate AG coordination call today at 2 eastern. The security code is [REDACTED]. As noted in my email last week, we'll be joined for the first part of the call by Adrian Deveny, legislative assistant for climate and energy issues in Sen. Chuck Schumer's office. Also attached/linked below are some additional items for discussion.--Mike

<https://www.congress.gov/bill/116th-congress/senate-bill/2754/text> (HFC bill)

https://www.eenews.net/assets/2019/10/23/document_gw_01.pdf (New Source Review bill)

https://www.epa.gov/sites/production/files/2019-11/documents/steam-electric-proposed_prepub_11-04-2019.pdf (EPA proposed rule on effluent limitation guidelines from coal-fired power plants)

https://www.epa.gov/sites/production/files/2019-11/documents/pre-publication_version_of_the_proposal_a_holistic_approach_to_closure_part_a_11_4_2019.pdf (EPA proposed rule on coal ash ponds)

Michael J. Myers
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REQUEST UNDER NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT

March 16, 2020

Records Custodian
New Mexico Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov

Re: Common Interest Agreements

Dear Sir or Madam:

On behalf of Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records: any common interest agreement entered into by the Attorney General's Office at any time in 2017 through 2020, inclusive.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, EPA is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. EPA's ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental

EXHIBIT 4

entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and the [ClimateLitigationWatch.org](https://www.climatelitigationwatch.org) project dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA and published on [ClimateLitigationWatch.org](https://www.climatelitigationwatch.org) have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

We look forward to your response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin

¹ See, e.g., The Editorial Board, “State AGs’ Climate Cover-Up” Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, “Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation” Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also “Climate Strike Sparks Debate on Use of Students as Props”, <https://www.realclearpolicy.com/2019/03/15/climate-strike-sparks-debate-on-use-of-students-as-props-41180.html>. Valerie Richardson, “Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit” Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, “Emails reveals how children become pawns of climate alarmism”, Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

From: Salazar, Patricia psalazar@nmag.gov
Subject: Re: Your Request for Public Records
Date: April 1, 2020 at 7:50 PM
To: Matthew D. Hardin MatthewDHardin@protonmail.com



No, I did not. Can you re-send?

Patricia M. Salazar

Office of the New Mexico Attorney General

P.O. Drawer 1508

Santa Fe, NM 87504

Office Number (505) 490-4863 **Fax Number** (505) 717-3600

Email: PSalazar@nmag.gov

“Sometimes the questions are complicated and the answers are simple.” — **Dr. Seuss**

On Wed, Apr 1, 2020 at 5:30 PM Matthew D. Hardin <MatthewDHardin@protonmail.com> wrote:

Thank you for your response. I also submitted a request 3/16, for which I haven't received a response. Can you confirm receipt of that one?

Thanks!

Matthew D. Hardin
Sent from ProtonMail Mobile

On Wed, Apr 1, 2020 at 6:45 PM, Salazar, Patricia <PSalazar@nmag.gov> wrote:

Good Afternoon Mr. Hardin,

Thank you for contacting the Office of the New Mexico Attorney General. We are doing our very best to respond to requests. Please see attached correspondence, we will continue to respond to your request on or before Friday, April 10, 2020.

Stay safe and healthy and again, thank you for your patience,

Patricia M. Salazar

Office of the New Mexico Attorney General

P.O. Drawer 1508

Santa Fe, NM 87504

Office Number (505) 490-4863 **Fax Number** (505) 717-3600

Email: PSalazar@nmag.gov

“Sometimes the questions are complicated and the answers are simple.” — **Dr. Seuss**

From: Salazar, Patricia psalazar@nmag.gov
Subject: Re: Records Request
Date: April 1, 2020 at 7:57 PM
To: Matthew D. Hardin MatthewDHardin@protonmail.com

PS

Received, thank you. I will process with today's date. Thanks. I will check with IT and see why I did not receive it, Thank you for letting me know.

Patricia M. Salazar

Office of the New Mexico Attorney General

P.O. Drawer 1508

Santa Fe, NM 87504

Office Number (505) 490-4863 **Fax Number** (505) 717-3600

Email: PSalazar@nmag.gov

“Sometimes the questions are complicated and the answers are simple.” — **Dr. Seuss**

On Wed, Apr 1, 2020 at 5:52 PM Matthew D. Hardin <MatthewDHardin@protonmail.com> wrote:
Re-sending the below and attached per your request.

Best,

Matthew D. Hardin
Sent from ProtonMail Mobile

----- Forwarded message -----

From: Matthew D. Hardin <MatthewDHardin@protonmail.com>
Date: On Mon, Mar 16, 2020 at 12:57 PM
Subject: Fwd: Records Request
To: <IPRArequestrecords@nmag.gov>
Cc:
Please see the attached request for public records.

Thank you,

Matthew D. Hardin
(434) 202-4224
MatthewDHardin@protonmail.com

The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.

EXHIBIT 6

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 1, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 1, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records: any common interest agreement entered into by the Attorney General’s Office at any time in 2017 through 2020, inclusive.”

We have located 17 pages of records, responsive to your request, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product. *See Santa Fe Pac. Gold Corp. v. United Nuclear Corp.*, 2007- NMCA-133, ¶¶ 38-39, 175 P.3d 309; *Richards v. N.M. Developmental Disabilities Planning Council*, 2011 WL 2042553, at *1 (N.M. Ct. App. Apr. 13, 2011) (non-precedential). Although we anticipated having all records available today, we will require additional time to continue reviewing, possibly redacting, searching and determining if we possess additional records that are responsive to your request. *See* § 14-2-10. We now anticipate being able to complete this work and allow for inspection of the public records on or before May 15, 2020 If you have any questions about your request, or this Office’s response, please let me know.

Sincerely,


Patricia M. Salazar
Open Government Division

EXHIBIT 7

Person Responsible for denial:
Cholla Khoury, Director of Consumer and Environmental Protection Division

PRIVILEGED & CONFIDENTIAL

**CONFIDENTIALITY AGREEMENT REGARDING THE SHARING OF
INFORMATION IN JOINT DEFENSE OF THE [REDACTED]**

[REDACTED]

The parties to this confidentiality agreement (the "Agreement"), [REDACTED]
[REDACTED]
[REDACTED] are litigants or counsel for litigants in
one or more judicial challenges [REDACTED]
and possibly other courts, in which various entities have challenged a final action of the

[REDACTED]

The Parties to this Agreement have a common interest in the successful defense of [REDACTED] against any challenge that seeks to [REDACTED] the [REDACTED] of the rule. That defense has required and will continue to require the sharing of information, legal analyses, draft briefs and other draft court filings, and other documents among the Parties. The Parties wish to pursue their common interest throughout the preparations for, and the course of, any judicial proceedings involving [REDACTED] exchanging privileged materials, while avoiding any waiver of the confidentiality of those privileged materials. The Parties agree to share information for the purpose of advancing their common interest, to keep such information and materials confidential, and to protect any privileges attaching to such information and materials to the extent authorized by law. The Parties also agree that the sharing of information, both written and oral, among their governing boards, staff, management, consultants, experts, clients, and counsel will further their common objectives.

Both federal and state law provide for the sharing of confidential and/or privileged information¹ among those with common interests during the course of and in anticipation of litigation, without a waiver of any otherwise applicable privileges, protections, immunities, and exemptions from disclosure, so that the claims and defenses of the parties may be thoroughly investigated and prepared without giving undue advantage to the opposing side. Maintaining such confidentiality is necessary for the accomplishment of the Parties' objectives with respect to [REDACTED]

[REDACTED] This document sets forth the agreement under which the Parties and their respective governing boards, staff, management, consultants, experts, clients, and counsel will manage and protect confidential and/or privileged information shared and exchanged in preparation for, and during the course of, the Litigation.

THEREFORE, the Parties to this Agreement, through their duly authorized undersigned counsel, hereby agree to the following, effective as of the date below, regardless of when signed.

1. **Parties.** The Parties to this Agreement are [REDACTED] and any other State, municipality, or other governmental entity that joins this Agreement by executing the attached Addendum and circulating a copy to all Parties, as set forth in paragraph 11.

2. **Purpose.** The Parties share common interests and goals in supporting and defending the [REDACTED] and any other courts, including the United States Supreme Court, and their defense of such actions presents common issues of fact and law. The Parties recognize that the sharing and disclosure of privileged and confidential information among them is essential in the Litigation. The purpose of this Agreement is to ensure that the privileged and/or confidential information shared will be used for developing an efficient joint defense, including development of litigation strategy and the preparation of legal briefs, and that this privileged and/or confidential information will not be disclosed to third parties or otherwise disclosed such that any privileges or other basis for confidentiality attached to these communications and documents are waived.

3. **"Information,"** as used in this Agreement, refers to any and all documents, materials, information, and communications, whether oral or written, electronic or paper. "Information" includes, but is not limited to, documents, materials, information, and communications exchanged among the Parties' governing boards, staff, management, consultants, experts, clients, and/or counsel.

4. **"Confidential and/or privileged information"** is information provided by or exchanged between one Party and another with the expectation of confidentiality and which is subject to one or more applicable privileges, protections, immunities, or

¹ "Information," as used in this Agreement, is defined below.

exemptions from disclosure, including but not limited to, the attorney-client, attorney work product, deliberative process, and official information privileges and protections. “Confidential and/or privileged information” shall include information provided by or exchanged between the Parties prior to the execution of this agreement. The signing of this Agreement shall not waive any applicable privilege, protection, immunity or exemption from disclosure or otherwise affect the status of “confidential and/or privileged information” exchanged prior to the signing of this Agreement by the Parties.

5. “**Common Interest Privilege**,” as used in this agreement means the privilege arising from the common interests of the Parties in preparing for and conducting the defense of [REDACTED]

To avoid misunderstandings or inadvertent disclosure, all documents exchanged pursuant to this agreement should bear the legend “**Confidential – Protected by Common Interest Privilege**” or words to that effect. However, the inadvertent failure to include such a legend shall not waive any privilege or protection available under this agreement or otherwise. In addition, any Party may, where appropriate, also label documents exchanged pursuant to this agreement with other appropriate legends, such as, for example, “Attorney-Client Privileged” or “Attorney Work Product.” Oral communications among the Parties shall be deemed confidential and protected under this agreement when discussing matters related to [REDACTED]

6. **Confidentiality Statement.** The Parties agree to protect all communications and documents exchanged among them regarding the Litigation, regardless of whether such communications or document exchanges occurred before or after the effective date of this Agreement, as confidential and privileged to the maximum extent allowable under applicable law, based upon all applicable privileges including, but not limited to, the attorney-client privilege, attorney work-product protections, joint defense privilege, and governmental privileges including, but not limited to, the deliberative process privilege where applicable (hereinafter “Protected Information”). Pursuant to this Agreement, rights in the confidentiality of Protected Information, and the confidences attached thereto, have not and will not be waived except as provided in paragraph 7 of the Agreement. Any inadvertent disclosure of Protected Information that is inconsistent with this Agreement shall not waive the confidentiality of such Protected Information.

7. **Non-disclosure.** Protected Information is to be used by the recipient of the information solely in connection with preparing and presenting the Parties’ positions regarding the Litigation. Protected Information may not be shared by a recipient with any non-party to this agreement without prior written waiver from all parties to this Agreement, unless the relevant party determines that disclosure is required by applicable law. In the event that the relevant party determines that disclosure is required by applicable law, it agrees to use its best efforts, as

permitted by applicable law, to provide at least seven calendar days in advance, to all parties to this Agreement prior to disclosure. Notwithstanding the foregoing, nothing in this Agreement shall prevent the Parties from distributing drafts briefs, draft motions, responses, or other draft court filings with the United States and its agencies, as the Parties shall deem necessary and appropriate for proper coordination.

8. **Requests for Release and/or Disclosure.** A Party who receives a request from a nonparty to release, disclose, discuss, or obtain access to any information, including Protected Information (whether by way of a subpoena, discovery request, or request under any federal or state statute) shall use its best efforts, as permitted by applicable law, to provide notice, at least seven calendar days prior to the date on which response to such request is due, to all parties to this Agreement. Unless the other Parties consent to disclosure or release of Protected Information, the Party receiving the request for disclosure shall assert, to the extent authorized by law, and subject to any mandatory disclosure laws or court orders, all relevant and applicable privileges and other objections to the disclosure of such information.

9. **No Agency or Additional Attorney-Client Relationships.** This Agreement shall not create any agency or similar relationship among the Parties. Nor shall this Agreement alter the existing attorney-client relationships among the Parties or create any new attorney-client relationships. No Party shall have authority to waive any applicable privilege or other confidentiality protection on behalf of any other Party; nor shall any waiver of an applicable privilege or protection by the conduct of any Party be construed to apply to any other Party. Nothing in this Agreement is intended or shall be construed to obligate any of the Parties to disclose or share any information or material relating to [REDACTED]

10. **Enforcement.** The Parties agree that a breach of a provision of this Agreement by a Party may cause irreparable harm to the other Parties and therefore agree that injunctive relief is the appropriate means to enforce this Agreement. No Party shall be subject to any claim for damages as a result of a breach of this Agreement.

11. **Modification.** It is agreed that any modifications to this Agreement shall be in writing and signed by all Parties. The inclusion of additional states, municipalities, or other governmental entities to this Agreement shall not be considered a modification and shall be accomplished by having the new party execute the attached Addendum and distribute a copy to all Parties.

12. **Integration.** This written Agreement memorializes the entirety of the Parties' pre-existing oral agreement regarding the confidentiality of their communications. It is agreed that this Agreement itself, any amendments thereto, and all discussions among the Parties related to the Agreement are themselves subject to the attorney-client privilege, common interest privilege, and work product doctrine.

13. **Termination.** Any Party to the Agreement may terminate this Agreement upon written notice to the other Parties. In such instance, the terminating Party and its counsel will continue to be bound by this Agreement with regard to any Protected Information received prior to the termination.

14. **Nondisqualification Agreement.** The Parties agree that no Party or attorney for a Party to this Agreement may attempt to use, in any other legal proceeding or cause, either the fact of the Agreement or any information learned as a result of this Joint Defense as a reason to disqualify any other lawyer or law firm acting as counsel in the above-captioned case from acting as legal counsel in any other legal matter or proceeding.

15. **Counterparts.** This Agreement may be executed in counterparts.

16. **Effective Date.** This Agreement becomes effective on the last date of execution by the Parties. This Agreement becomes effective as to any additional party on the date such party executes the attached Addendum. All of the Parties' communications with each other concerning the Litigation made prior to execution of this Agreement are fully subject to this Agreement.

It is so AGREED.

Dated: [REDACTED]

[REDACTED]

Deputy Attorney General
Department of Justice
[REDACTED]

Dated: [REDACTED]

[REDACTED]

Assistant Attorney General
Office of the Attorney General
[REDACTED]

Dated: [REDACTED]

[REDACTED]

[REDACTED]
Assistant Attorney General
[REDACTED]

Dated: [REDACTED]

[REDACTED]

[REDACTED]
Assistant Attorney General
Department of the Environment
[REDACTED]

Dated: [REDACTED]

[REDACTED]

[REDACTED]
Assistant Attorney General
Office of the Attorney General
[REDACTED]

Dated: [REDACTED]

[REDACTED]

[REDACTED]
Assistant Attorney General
Environmental Protection Bureau
[REDACTED]

Dated: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dated: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]
Special Assistant Attorney General
[REDACTED] Department of Attorney
General
[REDACTED]
[REDACTED]
[REDACTED]

Dated: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]
Assistant Attorney General
Office of the Attorney General
[REDACTED]
[REDACTED]
[REDACTED]

Dated: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Assistant Attorney General

[REDACTED]
[REDACTED]
[REDACTED]

Dated: [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Assistant Attorney General

Environmental Protection Division

[REDACTED]
[REDACTED]
[REDACTED]

Dated: [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]

Deputy Attorney General

[REDACTED]
[REDACTED]
[REDACTED]

Dated: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Deputy Corporation Counsel

[REDACTED]

[REDACTED]
[REDACTED]

ADDENDUM

**TO CONFIDENTIALITY AGREEMENT REGARDING THE SHARING OF
INFORMATION IN JOINT DEFENSE OF**

[REDACTED]

_____, by and through _____, desires to become a Party to the attached Agreement.

Now, therefore, counsel for _____, agrees to the terms of the Agreement and to deliver copies of this executed Addendum to all Parties to the Agreement within five business days.

DATED: _____

NAME OF PARTY:

By: _____

Name:

Title:

Address:

Dated: [REDACTED]

STATE OF [REDACTED]

[REDACTED]
Assistant Attorney General

[REDACTED]

Dated: [REDACTED]

STATE OF [REDACTED]

[REDACTED]
Assistant Attorney General
Department of the Environment

[REDACTED]

Dated: [REDACTED]

STATE OF [REDACTED]

[REDACTED]

Assistant Attorney General
[REDACTED] Office of the Attorney General

[REDACTED]

Dated: [REDACTED]

STATE OF [REDACTED]

[REDACTED]
Assistant Attorney General
Environmental Protection Bureau

[REDACTED]

PRIVILEGED & CONFIDENTIAL

CONFIDENTIALITY AGREEMENT REGARDING THE SHARING OF INFORMATION IN [REDACTED]

The parties to this confidentiality agreement (the "Agreement"), specifically the State of [REDACTED] and the State of [REDACTED], anticipate that within a short time we will be litigants or counsel for litigants in judicial challenges brought before the United States District Court of [REDACTED] and possibly other courts, in which Parties challenge a final action of the [REDACTED]

The Parties to this Agreement have a common interest in supporting [REDACTED]

[REDACTED] through the Litigation and other means. [REDACTED]

That support has required and will continue to require the sharing of information,¹ legal analyses, draft briefs and other draft court filings, and other documents among the Parties. The Parties wish to pursue their common interest throughout the preparations for, and the course of, any judicial proceedings involving [REDACTED] by exchanging privileged materials, while avoiding any waiver of the confidentiality of those privileged materials. The Parties agree to share information for the purpose of advancing their common interest, to keep such information and materials confidential, and to protect any privileges attaching to such information and materials to the extent authorized by law. The Parties also agree that the sharing of information, both written and oral, among their governing boards, staff, management, consultants, experts, clients, and counsel will further their common objectives.

Both federal and state law provide for the sharing of confidential and/or privileged information among those with common interests during the course of and in anticipation of litigation, without a waiver of any otherwise applicable privileges, protections, immunities, and exemptions from disclosure, so that the claims and defenses of the parties may be thoroughly investigated and prepared without giving undue advantage to the opposing side. Maintaining such confidentiality is necessary for the accomplishment of the Parties' objectives [REDACTED] This document sets forth the agreement under which the Parties and their respective governing boards, staff, management, consultants, experts, clients, and counsel will manage and protect confidential and/or privileged information shared and exchanged in preparation for, and during the course of, the Litigation.

¹ "Information," as used in this Agreement, is defined in paragraph 3 below.

THEREFORE, the Parties to this Agreement, through their duly authorized undersigned counsel, hereby agree to the following, effective as of the date below, regardless of when signed.

1. **Parties.** The Parties to this Agreement are [REDACTED] Additional parties, through their counsel, may join this agreement by executing the appropriate version of the attached Addendum and circulating a copy to all Parties, as set forth in paragraph 11.

2. **Purpose.** The Parties share common interests [REDACTED] through public comment on review or rule making proceedings and/or legal challenges [REDACTED] and any other courts, [REDACTED] and their defense of such actions presents common issues of fact and law. The Parties recognize that the sharing and disclosure of privileged and confidential information among them is essential in the Litigation. The purpose of this Agreement is to ensure that the privileged and/or confidential information shared will be used for developing an efficient joint action, including development of public comment on review or rule making proceedings, litigation strategy and the preparation of legal briefs, and that this privileged and/or confidential information will not be disclosed to third parties or otherwise disclosed such that any privileges or other basis for confidentiality attached to these communications and documents are waived.

3. **“Information,”** as used in this Agreement, refers to any and all documents, materials, information, and communications, whether oral or written, electronic or paper. “Information” includes, but is not limited to, documents, materials, information, and communications exchanged among the Parties’ governing boards, staff, management, consultants, experts, clients, and/or counsel.

4. **“Confidential and/or privileged information”** is information provided by or exchanged between one Party and another with the expectation of confidentiality and which is subject to one or more applicable privileges, protections, immunities, or exemptions from disclosure, including but not limited to, the attorney-client, attorney work product, deliberative process, and official information privileges and protections. “Confidential and/or privileged information” shall include information provided by or exchanged between the Parties prior to the execution of this agreement. The signing of this Agreement shall not waive any applicable privilege, protection, immunity or exemption from disclosure or otherwise affect the status of “confidential and/or privileged information” exchanged prior to the signing of this Agreement by the Parties.

5. **“Common Interest Privilege,”** as used in this agreement means the privilege arising from the common interests of the Parties in preparing for and conducting legal action related to [REDACTED], including but not limited to the common interest privilege recognized in cases such as *Waller v. Financial Corp. of America*, 828 F.2d 579, 583, n.7 (9th Cir. 1987); *Hunydee v. United States*, 355 F.2d 183 (9th Cir. 1965); *Continental Oil Company v. United States*, 330 F.2d 347 (9th Cir. 1964); and in Federal Rule of Evidence 501.

To avoid misunderstandings or inadvertent disclosure, all documents exchanged pursuant to this agreement should bear the legend “**Confidential – Protected by Common Interest Privilege**” or words to that effect. However, the inadvertent failure to include such a legend shall not waive any privilege or protection available under this agreement or otherwise. In addition, any Party may, where appropriate, also label documents exchanged pursuant to this agreement with other appropriate legends, such as, for example, “Attorney-Client Privileged” or “Attorney Work Product.” Oral communications among the Parties shall be deemed confidential and protected under this agreement when discussing matters related to [REDACTED]

6. **Confidentiality Statement.** The Parties agree to protect all communications and documents exchanged among them regarding the Litigation, regardless of whether such communications or document exchanges occurred before or after the effective date of this Agreement, as confidential and privileged to the maximum extent allowable under applicable law, based upon all applicable privileges including, but not limited to, the attorney-client privilege, attorney work product, joint defense privilege, and governmental privileges including, but not limited to, the deliberative process privilege where applicable (hereinafter, “Protected Information”). Pursuant to this Agreement, rights in the confidentiality of Protected Information, and the confidences attached thereto, have not and will not be waived except as provided in paragraph 7 of the Agreement. Any inadvertent disclosure of Protected Information that is inconsistent with this Agreement shall not waive the confidentiality of such Protected Information.

7. **Non-disclosure.** Protected Information is to be used by the recipient of the information solely in connection with preparing and presenting the Parties’ positions regarding the Litigation. Protected Information may not be shared by a recipient with any non-party to this agreement without prior written waiver from all parties to this Agreement, unless the relevant party determines that disclosure is required by applicable law. In the event that the relevant party determines that disclosure is required by applicable law, it agrees to provide all parties to this Agreement notice prior to disclosure, with the goal of providing at least seven calendar days advance notice.

8. **Requests for Release and/or Disclosure.** A Party who receives a request from a nonparty to release, disclose, discuss, or obtain access to any information, including Protected Information (whether by way of a subpoena, discovery request, or request under any federal or state statute) shall notify the other Parties of such request prior to the date on which a response to such a request is due, with the goal of providing such notification at least seven calendar days before releasing documents pursuant to the request. Unless the other Parties consent to disclosure or release of Protected Information, the Party receiving the request for disclosure shall assert, to the extent authorized by law, and subject to any mandatory disclosure laws or court orders, all relevant and applicable privileges and other objections to the disclosure of such information.

9. **No Agency or Additional Attorney-Client Relationships.** This Agreement shall not create any agency or similar relationship among the Parties. Nor shall this Agreement alter the existing attorney-client relationships among the Parties or create any new attorney-client relationships. No Party shall have authority to waive any applicable privilege or other confidentiality protection on behalf of any other Party; nor shall any waiver of an applicable privilege or protection by the conduct of any Party be construed to apply to any other Party. Nothing in this Agreement is intended or shall be construed to obligate any of the Parties to disclose or share any information or material

10. **Enforcement.** The Parties agree that a breach of a provision of this Agreement by a Party may cause irreparable harm to the other Parties and therefore agree that injunctive relief is the appropriate means to enforce this Agreement. No Party shall be subject to any claim for damages as a result of a breach of this Agreement.

11. **Modification.** It is agreed that any modifications to this Agreement shall be in writing and signed by all Parties. The inclusion of additional states, municipalities, or other governmental or non-governmental entities to this Agreement shall not be considered a modification and shall be accomplished by having the new party execute the attached Addendum and distribute a copy to all Parties.

12. **Integration.** This written Agreement memorializes the entirety of the Parties' pre-existing oral agreement regarding the confidentiality of their communications. It is agreed that this Agreement itself, any amendments thereto, and all discussions among the Parties related to the Agreement are themselves subject to the attorney-client privilege, common interest privilege, and work product doctrine.

13. **Termination.** Any Party to the Agreement may terminate this Agreement upon written notice to the other Parties. In such instance, the terminating Party and its counsel will continue to be bound by this Agreement with regard to any Protected Information received prior to the termination.

14. **Nondisqualification Agreement.** The Parties agree that no Party or attorney for a Party to this Agreement may attempt to use, in any other legal proceeding or cause, either the fact of the Agreement or any information learned as a result of this joint action as a reason to disqualify any other lawyer or law firm acting as counsel in the above-captioned case from acting as legal counsel in any other legal matter or proceeding.

15. **Counterparts.** This Agreement may be executed by counterpart.

16. **Effective Date.** This Agreement becomes effective on the last date of execution by the Parties. This Agreement becomes effective as to any additional party on the date such party executes the attached Addendum. All of the Parties' communications with each other concerning the Litigation made prior to execution of this Agreement are fully subject to this Agreement.

It is so AGREED.

Dated: [REDACTED]

STATE OF [REDACTED]

[REDACTED]
Deputy Attorney General
Department of Justice

[REDACTED]

Dated: [REDACTED]

STATE OF [REDACTED]

[REDACTED]

Assistant Attorney General
State of [REDACTED]
Office of the Attorney General
Consumer & Environmental Protection
Division

[REDACTED]

ADDENDUM

**CONFIDENTIALITY AGREEMENT REGARDING THE SHARING OF
INFORMATION IN** [REDACTED]

_____, by and through _____, desires to become a Party to the attached Agreement.

Now, therefore, counsel for _____, agrees to the terms of the Agreement and to deliver copies of this executed Addendum to all Parties to the Agreement within five business days.

DATED: _____

NAME OF PARTY:

By: _____

Name:

Title:

Address:

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 15, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 1, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records: any common interest agreement entered into by the Attorney General’s Office at any time in 2017 through 2020, inclusive.”

We have located 13 pages of records, responsive to your request, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product. *See Santa Fe Pac. Gold Corp. v. United Nuclear Corp.*, 2007- NMCA-133, ¶¶ 38-39, 175 P.3d 309; *Richards v. N.M. Developmental Disabilities Planning Council*, 2011 WL 2042553, at *1 (N.M. Ct. App. Apr. 13, 2011) (non-precedential). Although we anticipated having all records available today, we will require additional time to continue reviewing, possibly redacting, searching and determining if we possess additional records that are responsive to your request. *See* § 14-2-10. We now anticipate being able to complete this work and allow for inspection of the public records on or before May 29, 2020 If you have any questions about your request, or this Office’s response, please let me know.

Sincerely,


Patricia M. Salazar
Open Government Division

EXHIBIT 9

Person Responsible for denial:
Cholla Khoury, Director of Consumer and Environmental Protection Division

Memorandum of Understanding

This Memorandum of Understanding ("MOU") is entered into this 16th day of November, 2016, by and between the Attorney General of the State of [REDACTED] (the "State"), [REDACTED], and [REDACTED].

Recitals

Whereas, [REDACTED] State of [REDACTED] ex rel. [REDACTED], County of [REDACTED] pursuant to the [REDACTED]

Whereas, [REDACTED] an experienced financial fraud litigation firm serves as lead counsel to [REDACTED] Litigation;

Whereas, the Office of the Attorney General of [REDACTED] and received [REDACTED] from [REDACTED];

Whereas, the [REDACTED] provides at [REDACTED] that the State may [REDACTED] in which case [REDACTED];

Whereas, [REDACTED] means to [REDACTED] thus far in the [REDACTED] Litigation and in providing to the State [REDACTED] if [REDACTED] or if [REDACTED]

Whereas, the Office of the Attorney General has determined that the State should [REDACTED] Litigation, but that it is necessary and appropriate to [REDACTED] to obtain [REDACTED] additional assistance from [REDACTED] in connection with [REDACTED] the [REDACTED] Litigation [REDACTED]

Whereas, all parties believe that [REDACTED] for the case to [REDACTED]

be successfully litigated and the State specifically desires [REDACTED], in connection with the State's ongoing litigation efforts [REDACTED]

Whereas, the State needs clarification regarding [REDACTED]

and

Whereas, [REDACTED] need an understanding with the State regarding [REDACTED] and [REDACTED] required for the successful prosecution of the [REDACTED] Litigation;

Understanding

Now, therefore, the State, [REDACTED] set forth their agreements and understandings as follows:

1. [REDACTED] shall provide [REDACTED] to the State in connection with the Office of the Attorney General's efforts to represent the State in prosecution of the [REDACTED] Litigation as follows:

a.

will [REDACTED]

b.

will [REDACTED]

c.

will [REDACTED]

[REDACTED]

2. [REDACTED] shall provide [REDACTED] to the State in connection with the Office of the Attorney General's efforts to represent the State in prosecution of the [REDACTED] Litigation as follows:

a. [REDACTED] will [REDACTED]

b. [REDACTED] will [REDACTED]

c. [REDACTED] will [REDACTED]

3. The State, [REDACTED] agree that [REDACTED] this MOU and the [REDACTED] herein does not and will not establish an attorney-client relationship between [REDACTED] and the State. Though [REDACTED] and the State do not share an attorney client relationship, both parties shall enter into a Common Interest Agreement to protect the privileged nature of [REDACTED] shared between the State, the [REDACTED] and [REDACTED] which shall be executed contemporaneously with this MOU. Instead, all [REDACTED] provided by [REDACTED] to the State shall be [REDACTED] to assist the State in its prosecution of the [REDACTED] Litigation.

4. The State and [REDACTED] agree that [REDACTED]
[REDACTED] The State may [REDACTED]
[REDACTED] to advance the common interests of the parties to this MOU.

5. The State acknowledges [REDACTED], as evidenced by (a)
[REDACTED]; and
(b) [REDACTED] including
and [REDACTED]
[REDACTED]

6. The State, [REDACTED]
[REDACTED]
[REDACTED], agrees that: (a) if [REDACTED] performs [REDACTED]
[REDACTED] as set forth herein in Sections 1 and 2 to the reasonable satisfaction of the
State, the State will [REDACTED]
[REDACTED]; (b) the State will
[REDACTED]

7. The [REDACTED] acknowledge that [REDACTED]
[REDACTED]

State of [REDACTED]
Attorney General Hector Balderas

■ By: 
Sean Cunniff, Assistant Attorney General

[REDACTED]

By:

[REDACTED]

[REDACTED]

By:

[REDACTED]

COMMON INTEREST AGREEMENT

This Common Interest Agreement (the "Agreement") is entered into this 11th day of April, 2017, by and between the Attorney General of the State of [REDACTED] (the "State"), [REDACTED] and [REDACTED] (hereinafter jointly referred to as "the Parties"). This Agreement is applicable to all joint matters of common interest in the representation of [REDACTED] and the State in the pending litigation styled [REDACTED]

[REDACTED]

Recitals

The Parties and their counsel believe and anticipate that the nature of the [REDACTED] Litigation and the relationship between and among the Parties present various common legal and factual issues and a mutuality of interest in the conduct of this matter. Accordingly, the Parties intend to cooperate with each other with respect to bringing and pursuing the [REDACTED] Litigation to the extent consistent with their respective legal interests.

This Agreement has been entered into with the intent of fully preserving the confidentiality of [REDACTED] shared by and between the Parties and their counsel in relation to the [REDACTED] Litigation.

This Agreement is applicable to all shared [REDACTED] [REDACTED] pertaining to the [REDACTED] Litigation, as well as to all shared work-product developed by the Parties and their counsel.

Communications, documents, and all other information pertaining to the [REDACTED] Litigation, including but not limited to factual material, reports, data, photographs, drawings, calculations, interviews, mental impressions, memoranda, draft pleadings and litigation strategies, whether written or oral, may be shared by the Parties, with the intent that such sharing will not waive, compromise, or

otherwise impair the confidentiality, privilege or immunity that otherwise would be applicable to such materials.

It is the purpose of this Agreement to ensure that exchange and disclosure of the materials contemplated by the Parties' agreement does not diminish in any way the confidentiality of such materials and does not constitute an express waiver of any right or privilege in any way; preserves all applicable rights and privileges to the fullest extent permitted by law; and sets forth the respective rights and responsibilities of the Parties with respect to the use and treatment of materials.

Agreement

It is mutually agreed as follows:

1. The above recitals are made a part of this Agreement.
2. The undersigned signatories represent that they are fully authorized to enter into this Agreement on their own behalf and on behalf of the respective Parties.
3. Any and all shared communications, strategies, insights, confidences, and other information exchanged between the Parties relating to the [REDACTED] Litigation shall be absolutely privileged as to third parties, pursuant to the broadest interpretation of the common interest, attorney-client, and work-product privileges. This extends to interactions and the provision of information and materials in anticipation of the execution of this Agreement, and applies to written materials regardless of whether the document is specifically designated as "confidential" or "privileged".
4. All common interest materials exchanged between the Parties are solely for the internal use of the Parties and their counsel, and will not be disclosed to any third party without the written consent of the Parties, or as required by Court order. Any Party may, by express writing prior to the provision of any materials, impose additional limitations on the use of any materials provided by the disclosing Party.
5. The existence and terms of this Agreement shall likewise be confidential between the Parties (and their officers, employees, representatives,

agents, experts, consultants, attorneys, and insurers) except as otherwise agreed in writing between the Parties or under applicable law.

6. Nothing in this Agreement shall limit the right of the Parties to disclose to any person a Party's own documents or information or any information that has been independently obtained or generated by a Party or its counsel.

7. Nothing in this Agreement shall be construed to create an attorney-client relationship between any Party and/or counsel to any other Party. Nothing in this Agreement shall be construed to create any agency relationship among the Parties and/or their counsel.

8. In the event of any demand, by subpoena, New Mexico Inspection of Public Records Act ("IPRA") request, or otherwise, for any materials related to the [REDACTED] Litigation, the Party in receipt of such demand shall immediately notify the other Parties to this Agreement of the demand and, where applicable, provide a copy of such written demand. Each Party shall take such steps as are necessary and for which a good faith basis exists to assert and protect all applicable rights and privileges and shall fully cooperate with one another in opposing the demand for the disclosure of such materials, except that production of materials pursuant to demands made upon the State expressly under IPRA shall be subject to the sole discretion of the Attorney General.

9. The Parties will reasonably cooperate with each other, including with respect to providing access to materials and personnel resources, in furtherance of their common interest in bringing and concluding the [REDACTED] Litigation that is the subject of this Agreement. The Parties will bear their own costs and expenses in connection with this cooperative effort, except to the extent that cost sharing is requested in advance of incurring a particular cost or expense.

10. The Parties agree that the [REDACTED] Litigation will be conducted according to the Parties' Memorandum of Understanding ("MOU"), herein included as Addendum A.

11. The Parties agree that this Agreement shall be construed objectively, without regard to authorship, and that it may only be modified by a written amendment executed by or on behalf of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

On behalf of the State of New Mexico

On behalf of

By: 
Name: Sean M. Cunniff
Assistant Attorney General







THE STATE OF [REDACTED]:

[REDACTED]:

By:

[REDACTED]

By:

[REDACTED]

IN THE MATTER OF THE JOINT INVESTIGATION OF [REDACTED]
RELATING TO [REDACTED]

COMMON INTEREST AGREEMENT

This Common Interest Agreement (“Agreement”) is made and entered into by and between the Attorneys General and other specified officials of the States, Commonwealths, and Territories (the “Parties”) who have executed Exhibit A:

To promote efficiency and avoid duplication, and in recognition of their joint goals and actions, the Parties are working cooperatively to [REDACTED]
[REDACTED]
[REDACTED] (“Matters of Common Interest”).

It is in the Parties’ individual and common interests to share documents, mental impressions, strategies, and other information regarding the Matters of Common Interest and any related investigations and litigation (“Shared Information”). Shared Information includes information related to [REDACTED]
[REDACTED].

The Parties retain all applicable privileges and claims to confidentiality, including the attorney client privilege, work product privilege, common interest privilege, law enforcement privilege, deliberative process privilege and exemptions from disclosure under any public records laws that may be asserted to protect against disclosure of Shared Information to non-Parties (hereinafter collectively referred to as “Privileges”).

1. Protection of Communications. Any communication of Shared Information, whether by written, oral, electronic, or any other form is a “Confidential Communication.” All Confidential Communications shall be protected by all Privileges to the fullest extent permitted by law.
2. Nondisclosure. Confidential Communications shall only be disclosed to: 1) Parties; 2) employees or agents of the Parties, including experts or expert witnesses; 3) government officials involved with the enforcement of antitrust or consumer protection laws who have agreed in writing to abide by the confidentiality restrictions of this Agreement; 4) criminal enforcement authorities; 5) other persons, provided that all Parties consent in advance; and 6) other persons as provided in paragraph 3. Nothing in this Agreement prevents a Party from using the Shared Information for law enforcement purposes, criminal or civil, including presentation at pre-trial and trial-related proceedings, to the extent that such presentation does not (i) conflict with other agreements that the Party has entered into, (ii) interfere with the preservation of the Privileges, or (iii) conflict with court orders and applicable law.
3. Notice of Potential Disclosure. If any Shared Information or Confidential Communication is subject to any form of compulsory process in any proceeding or is demanded under a public records law (“Request”), the Party receiving the Request shall: 1) immediately notify all other Parties (or their designees) in writing; 2) cooperate with any Party responding to the Request; and 3) if requested return and/or refuse to disclose any Shared Information or Confidential

Communication unless otherwise required by law, administrative order, or court order.

4. Inadvertent Disclosure. If a Party makes a Confidential Communication to a person not entitled to receive such Confidential Communication under this Agreement that disclosure shall be deemed to be inadvertent and unintentional and shall not be construed as a waiver of any Party's right under law or this Agreement. Any Party may seek additional relief as may be authorized by law.

5. Related Litigation. The Parties continue to be bound by this Agreement in any litigation or other proceeding that arises out of the Matters of Common Interest.

6. Parties to the Agreement. This Agreement may be executed in counterparts. All potential Parties must sign Exhibit A for their participation to become effective.

7. Withdrawal. A Party may withdraw from this Agreement upon thirty (30) days written notice to all other Parties. Withdrawal shall not terminate, or relieve the withdrawing Party of any obligation under this Agreement regarding Confidential Communications received by the withdrawing Party before the effective date of the withdrawal.

8. Modification. This writing is the complete Agreement between the parties, and any modifications must be approved in writing by all Parties.

EXHIBIT A

I [REDACTED], have read the attached Agreement, understand the terms of the Agreement, and agree to be bound by those terms. I agree that all Confidential Communications, whether communicated before or after the placement of my signature on this document, are covered by this Agreement.

Signature

[REDACTED]

9/15/17

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 29, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 1, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records: any common interest agreement entered into by the Attorney General’s Office at any time in 2017 through 2020, inclusive.”

We have located 13 additional pages of records, responsive to your request, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product and a Common Interest Agreement. Although we anticipated having all records available today, we will require additional time to continue reviewing, possibly redacting, searching and determining if we possess additional records that are responsive to your request. See § 14-2-10. We now anticipate being able to complete this work and allow for inspection of the public records on or before June 12, 2020. If you have any questions about your request, or this Office’s response, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Patricia M. Salazar".

Patricia M. Salazar
Open Government Division

EXHIBIT 11

Person Responsible for denial:
Cholla Khoury, Director of Consumer and Environmental Protection Division

Memorandum of Understanding

This Memorandum of Understanding ("MOU") is entered into this 16th day of November, 2016, by and between the Attorney General of the State of [REDACTED] (the "State"), [REDACTED], and [REDACTED].

Recitals

Whereas, [REDACTED] State of [REDACTED] ex rel. [REDACTED], County of [REDACTED] pursuant to the [REDACTED]

Whereas, [REDACTED] an experienced financial fraud litigation firm serves as lead counsel to [REDACTED] Litigation;

Whereas, the Office of the Attorney General of [REDACTED] and received [REDACTED] from [REDACTED];

Whereas, the [REDACTED] provides at [REDACTED] that the State may [REDACTED] in which case [REDACTED];

Whereas, [REDACTED] means to [REDACTED] thus far in the [REDACTED] Litigation and in providing to the State [REDACTED] if [REDACTED] or if [REDACTED]

Whereas, the Office of the Attorney General has determined that the State should [REDACTED] Litigation, but that it is necessary and appropriate to [REDACTED] to obtain [REDACTED] additional assistance from [REDACTED] in connection with [REDACTED] the [REDACTED] Litigation [REDACTED]

Whereas, all parties believe that [REDACTED] for the case to [REDACTED]

be successfully litigated and the State specifically desires [REDACTED], in connection with the State's ongoing litigation efforts [REDACTED]

Whereas, the State needs clarification regarding [REDACTED]

and

Whereas, [REDACTED] need an understanding with the State regarding [REDACTED] and [REDACTED] required for the successful prosecution of the [REDACTED] Litigation;

Understanding

Now, therefore, the State, [REDACTED] set forth their agreements and understandings as follows:

1. [REDACTED] shall provide [REDACTED] to the State in connection with the Office of the Attorney General's efforts to represent the State in prosecution of the [REDACTED] Litigation as follows:

a. [REDACTED] will [REDACTED]

b. [REDACTED] will [REDACTED]

c. [REDACTED] will [REDACTED]

[REDACTED]

2. [REDACTED] shall provide [REDACTED] to the State in connection with the Office of the Attorney General's efforts to represent the State in prosecution of the [REDACTED] Litigation as follows:

a. [REDACTED] will [REDACTED]

b. [REDACTED] will [REDACTED]

c. [REDACTED] will [REDACTED]

3. The State, [REDACTED] agree that [REDACTED] this MOU and the [REDACTED] herein does not and will not establish an attorney-client relationship between [REDACTED] and the State. Though [REDACTED] and the State do not share an attorney client relationship, both parties shall enter into a Common Interest Agreement to protect the privileged nature of [REDACTED] shared between the State, the [REDACTED] and [REDACTED] which shall be executed contemporaneously with this MOU. Instead, all [REDACTED] provided by [REDACTED] to the State shall be [REDACTED] to assist the State in its prosecution of the [REDACTED] Litigation.

4. The State and [REDACTED] agree that [REDACTED]
[REDACTED] The State may [REDACTED]
[REDACTED] to advance the common interests of the parties to this MOU.

5. The State acknowledges [REDACTED], as evidenced by (a)
[REDACTED]; and
(b) [REDACTED] including
and [REDACTED]
[REDACTED]

6. The State, [REDACTED]
[REDACTED]
[REDACTED], agrees that: (a) if [REDACTED] performs [REDACTED]
[REDACTED] as set forth herein in Sections 1 and 2 to the reasonable satisfaction of the
State, the State will [REDACTED]
[REDACTED]; (b) the State will
[REDACTED]

7. The [REDACTED] acknowledge that [REDACTED]
[REDACTED]

State of [REDACTED]
Attorney General Hector Balderas

■ By: 
Sean Cunniff, Assistant Attorney General

[REDACTED]

By:

[REDACTED]

[REDACTED]

By:

[REDACTED]

COMMON INTEREST AGREEMENT

This Common Interest Agreement (the "Agreement") is entered into this 11th day of April, 2017, by and between the Attorney General of the State of [REDACTED] (the "State"), [REDACTED] and [REDACTED] (hereinafter jointly referred to as "the Parties"). This Agreement is applicable to all joint matters of common interest in the representation of [REDACTED] and the State in the pending litigation styled [REDACTED]

[REDACTED]

Recitals

The Parties and their counsel believe and anticipate that the nature of the [REDACTED] Litigation and the relationship between and among the Parties present various common legal and factual issues and a mutuality of interest in the conduct of this matter. Accordingly, the Parties intend to cooperate with each other with respect to bringing and pursuing the [REDACTED] Litigation to the extent consistent with their respective legal interests.

This Agreement has been entered into with the intent of fully preserving the confidentiality of [REDACTED] shared by and between the Parties and their counsel in relation to the [REDACTED] Litigation.

This Agreement is applicable to all shared [REDACTED] [REDACTED] pertaining to the [REDACTED] Litigation, as well as to all shared work-product developed by the Parties and their counsel.

Communications, documents, and all other information pertaining to the [REDACTED] Litigation, including but not limited to factual material, reports, data, photographs, drawings, calculations, interviews, mental impressions, memoranda, draft pleadings and litigation strategies, whether written or oral, may be shared by the Parties, with the intent that such sharing will not waive, compromise, or

otherwise impair the confidentiality, privilege or immunity that otherwise would be applicable to such materials.

It is the purpose of this Agreement to ensure that exchange and disclosure of the materials contemplated by the Parties' agreement does not diminish in any way the confidentiality of such materials and does not constitute an express waiver of any right or privilege in any way; preserves all applicable rights and privileges to the fullest extent permitted by law; and sets forth the respective rights and responsibilities of the Parties with respect to the use and treatment of materials.

Agreement

It is mutually agreed as follows:

1. The above recitals are made a part of this Agreement.
2. The undersigned signatories represent that they are fully authorized to enter into this Agreement on their own behalf and on behalf of the respective Parties.
3. Any and all shared communications, strategies, insights, confidences, and other information exchanged between the Parties relating to the [REDACTED] Litigation shall be absolutely privileged as to third parties, pursuant to the broadest interpretation of the common interest, attorney-client, and work-product privileges. This extends to interactions and the provision of information and materials in anticipation of the execution of this Agreement, and applies to written materials regardless of whether the document is specifically designated as "confidential" or "privileged".
4. All common interest materials exchanged between the Parties are solely for the internal use of the Parties and their counsel, and will not be disclosed to any third party without the written consent of the Parties, or as required by Court order. Any Party may, by express writing prior to the provision of any materials, impose additional limitations on the use of any materials provided by the disclosing Party.
5. The existence and terms of this Agreement shall likewise be confidential between the Parties (and their officers, employees, representatives,

agents, experts, consultants, attorneys, and insurers) except as otherwise agreed in writing between the Parties or under applicable law.

6. Nothing in this Agreement shall limit the right of the Parties to disclose to any person a Party's own documents or information or any information that has been independently obtained or generated by a Party or its counsel.

7. Nothing in this Agreement shall be construed to create an attorney-client relationship between any Party and/or counsel to any other Party. Nothing in this Agreement shall be construed to create any agency relationship among the Parties and/or their counsel.

8. In the event of any demand, by subpoena, New Mexico Inspection of Public Records Act ("IPRA") request, or otherwise, for any materials related to the [REDACTED] Litigation, the Party in receipt of such demand shall immediately notify the other Parties to this Agreement of the demand and, where applicable, provide a copy of such written demand. Each Party shall take such steps as are necessary and for which a good faith basis exists to assert and protect all applicable rights and privileges and shall fully cooperate with one another in opposing the demand for the disclosure of such materials, except that production of materials pursuant to demands made upon the State expressly under IPRA shall be subject to the sole discretion of the Attorney General.

9. The Parties will reasonably cooperate with each other, including with respect to providing access to materials and personnel resources, in furtherance of their common interest in bringing and concluding the [REDACTED] Litigation that is the subject of this Agreement. The Parties will bear their own costs and expenses in connection with this cooperative effort, except to the extent that cost sharing is requested in advance of incurring a particular cost or expense.

10. The Parties agree that the [REDACTED] Litigation will be conducted according to the Parties' Memorandum of Understanding ("MOU"), herein included as Addendum A.

11. The Parties agree that this Agreement shall be construed objectively, without regard to authorship, and that it may only be modified by a written amendment executed by or on behalf of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

On behalf of the State of New Mexico

On behalf of 

By: 
Name: Sean M. Cunniff
Assistant Attorney General



THE STATE OF [REDACTED]:

[REDACTED]:

By:

[REDACTED]

By:

[REDACTED]

IN THE MATTER OF THE JOINT INVESTIGATION OF [REDACTED]
RELATING TO [REDACTED]

COMMON INTEREST AGREEMENT

This Common Interest Agreement (“Agreement”) is made and entered into by and between the Attorneys General and other specified officials of the States, Commonwealths, and Territories (the “Parties”) who have executed Exhibit A:

To promote efficiency and avoid duplication, and in recognition of their joint goals and actions, the Parties are working cooperatively to [REDACTED]
[REDACTED]
[REDACTED] (“Matters of Common Interest”).

It is in the Parties’ individual and common interests to share documents, mental impressions, strategies, and other information regarding the Matters of Common Interest and any related investigations and litigation (“Shared Information”). Shared Information includes information related to [REDACTED]
[REDACTED].

The Parties retain all applicable privileges and claims to confidentiality, including the attorney client privilege, work product privilege, common interest privilege, law enforcement privilege, deliberative process privilege and exemptions from disclosure under any public records laws that may be asserted to protect against disclosure of Shared Information to non-Parties (hereinafter collectively referred to as “Privileges”).

1. Protection of Communications. Any communication of Shared Information, whether by written, oral, electronic, or any other form is a “Confidential Communication.” All Confidential Communications shall be protected by all Privileges to the fullest extent permitted by law.
2. Nondisclosure. Confidential Communications shall only be disclosed to: 1) Parties; 2) employees or agents of the Parties, including experts or expert witnesses; 3) government officials involved with the enforcement of antitrust or consumer protection laws who have agreed in writing to abide by the confidentiality restrictions of this Agreement; 4) criminal enforcement authorities; 5) other persons, provided that all Parties consent in advance; and 6) other persons as provided in paragraph 3. Nothing in this Agreement prevents a Party from using the Shared Information for law enforcement purposes, criminal or civil, including presentation at pre-trial and trial-related proceedings, to the extent that such presentation does not (i) conflict with other agreements that the Party has entered into, (ii) interfere with the preservation of the Privileges, or (iii) conflict with court orders and applicable law.
3. Notice of Potential Disclosure. If any Shared Information or Confidential Communication is subject to any form of compulsory process in any proceeding or is demanded under a public records law (“Request”), the Party receiving the Request shall: 1) immediately notify all other Parties (or their designees) in writing; 2) cooperate with any Party responding to the Request; and 3) if requested return and/or refuse to disclose any Shared Information or Confidential

Communication unless otherwise required by law, administrative order, or court order.

4. Inadvertent Disclosure. If a Party makes a Confidential Communication to a person not entitled to receive such Confidential Communication under this Agreement that disclosure shall be deemed to be inadvertent and unintentional and shall not be construed as a waiver of any Party's right under law or this Agreement. Any Party may seek additional relief as may be authorized by law.

5. Related Litigation. The Parties continue to be bound by this Agreement in any litigation or other proceeding that arises out of the Matters of Common Interest.

6. Parties to the Agreement. This Agreement may be executed in counterparts. All potential Parties must sign Exhibit A for their participation to become effective.

7. Withdrawal. A Party may withdraw from this Agreement upon thirty (30) days written notice to all other Parties. Withdrawal shall not terminate, or relieve the withdrawing Party of any obligation under this Agreement regarding Confidential Communications received by the withdrawing Party before the effective date of the withdrawal.

8. Modification. This writing is the complete Agreement between the parties, and any modifications must be approved in writing by all Parties.

EXHIBIT A

I [REDACTED], have read the attached Agreement, understand the terms of the Agreement, and agree to be bound by those terms. I agree that all Confidential Communications, whether communicated before or after the placement of my signature on this document, are covered by this Agreement.

Signature

[REDACTED]

9/15/17



Neal Cornett <ncornettlaw@gmail.com>

Re: Clarification

1 message

Neal Cornett <ncornettlaw@gmail.com>
To: Patricia Salazar <PSalazar@nmag.gov>

Mon, Jun 1, 2020 at 3:36 PM

Ms. Salazar:

I hope you're well. In response to your May 29, 2020 letters, I have a couple of additional items to address.

First and similar to my prior questions, does the response to the April 17, 2020 request mean that there were some records that were withheld?

Second, EPA would like to narrow the April 1, 2020 request to cover only agreements signed by Mr. Grantham, Mr. Lundin, and Ms. Minard and keeping the same time frame. EPA understands that Mr. Lundin and Ms. Minard were not employed with the Office of the Attorney General for the same period of time as Mr. Grantham, so please consider the search for any agreements signed by either to be limited only to the time they were serving in the Office of the Attorney General.

Thank you for your time and assistance and if you have any questions, please let me know.

Sincerely,
Neal Cornett

On Fri, May 29, 2020 at 4:45 PM Neal Cornett <ncornettlaw@gmail.com> wrote:

Ms. Salazar:

I have reviewed some responses to my client's recent IPRA requests and I need clarification. The four requests (attached with the response letters) have all had a final response and each response, with the exception of the response to the April 28, 2020 request, all state that enclosed records are "responsive to [the] request and available for inspection." The April 28, 2020 letter notes some portions were partially redacted.

Does this mean that there were some number of records that were withheld in full for all of the requests? If so, could you please provide a description/amount of any records withheld as well as the exemptions relied upon to withhold?

As a point of clarification, I will note that the attached response to the April 7, 2020 request is not the final response, but an April 22, 2020 response. The final response to that request dated May 7, 2020 states no additional records were found.

Thank you for your assistance on this and if you have any questions, don't hesitate to ask.

Sincerely,
Neal Cornett
Attorney at Law

--

The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.

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The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.

EXHIBIT 13

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

June 12, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 1, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records: any common interest agreement entered into by the Attorney General’s Office at any time in 2017 through 2020, inclusive.”

We have located 51 additional pages of records, responsive to your request, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product and a Common Interest Agreement. Although we anticipated having all records available today, we will require additional time to continue reviewing, possibly redacting, searching and determining if we possess additional records that are responsive to your request. See § 14-2-10. We now anticipate being able to complete this work and allow for inspection of the public records on or before June 26, 2020. If you have any questions about your request, or this Office’s response, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Patricia M. Salazar".

Patricia M. Salazar
Open Government Division

EXHIBIT 14

Person Responsible for denial:
Cholla Khoury, Director of Consumer and Environmental Protection Division

PRIVILEGED & CONFIDENTIAL

[REDACTED]

[REDACTED]

[REDACTED]

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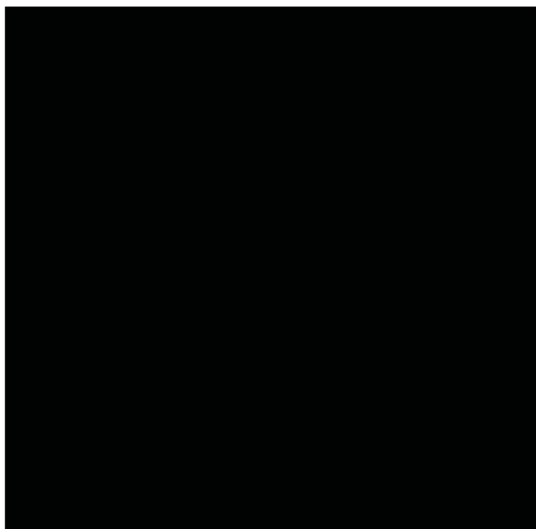
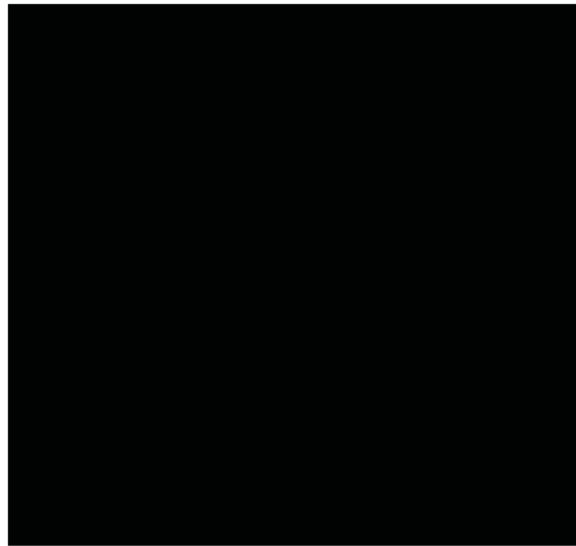
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[REDACTED]

PRIVILEGED & CONFIDENTIAL

COMMON INTEREST AGREEMENT REGARDING [REDACTED]

The parties to this common interest agreement (Agreement), specifically [REDACTED]

The Parties to this Agreement [REDACTED]

Both federal and state law provide for the sharing of confidential and/or privileged information among those with common interests during the course of and in anticipation of litigation, without a waiver of any otherwise applicable privileges, protections, immunities, and exemptions from disclosure, so that the claims and defenses of the parties may be thoroughly investigated and prepared without giving undue advantage to the opposing side. [REDACTED]

Therefore, the Parties agree as follows:

1. Parties. The Parties to this Agreement are [REDACTED]
2. Compliance with Applicable Law. The Parties agree and acknowledge that certain Parties are subject to applicable freedom of information or public records laws, and that nothing in this Agreement is intended to alter or limit the disclosure requirements of such laws.
3. Protection of Communications. [REDACTED]
4. Nondisclosure. [REDACTED]
5. Notice of Potential Disclosure. [REDACTED]
6. Inadvertent Disclosure. [REDACTED]
7. [REDACTED]

8. No Agency or Additional Attorney-Client Relationships. [REDACTED]
9. Enforcement. [REDACTED]
10. Modification. This Agreement may be modified only by means of a writing signed by all Parties. [REDACTED]
11. Termination. Any Party to this Agreement may terminate its participation in the Agreement upon written notice to the other Parties. [REDACTED]
12. Nondisqualification Agreement. [REDACTED]
13. Counterparts. This Agreement may be executed in counterparts.
14. Effective Date. This Agreement becomes effective on the last date of execution. All of the Parties' communications with each other concerning the Litigation made prior to execution of this Agreement are fully subject to this Agreement.

Dated: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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REQUEST UNDER NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT

April 7, 2020

Records Custodian
New Mexico Attorney General's Office
PO Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov

Re: Certain Correspondence

Dear Sir or Madam:

On behalf of the public policy group Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records: all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Bill Grantham, ii) Anne Minard, and/or iii) Tania Maestas, that b) includes, *anywhere*, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email "thread", including also in any attachments, "Multistate AG Coordination Call", and c) was sent or received on May 19, 2019, August 6, 2019, October 15, 2019, November 12, 2019, November 26, 2019, and/or December 10, 2019.

We request entire "threads" of which any responsive electronic correspondence is a part, regardless whether any portion falls outside of the above time parameter.

To narrow this request, please consider as non-responsive electronic correspondence that merely receives or forwards newsletters or press summaries or 'clippings', such as news services

EXHIBIT 16

or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).

Additionally, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded to or from the named persons with substantive commentary added by the sender.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, EPA is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. EPA’s ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and the ClimateLitigationWatch.org project

dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA and published on [ClimateLitigationWatch.org](https://www.climateaction.org/) have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead **we request records in their native form**, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (*Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.*)” (emphases in original).

¹ See, e.g., The Editorial Board, “State AGs’ Climate Cover-Up” Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, “Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation” Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also “Climate Strike Sparks Debate on Use of Students as Props”, <https://www.realclearpolicy.com/2019/03/15/climate-strike-sparks-debate-on-use-of-students-as-props-41180.html>. Valerie Richardson, “Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit” Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, “Emails reveals how children become pawns of climate alarmism”, Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

April 22, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 7, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Bill Grantham, ii) Anne Minard, and/or iii) Tania Maestas, that b) includes, anywhere, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email “thread”, including also in any attachments, “Multistate AG Coordination Call”, and c) was sent or received on May 19, 2019, August 6, 2019, October 15, 2019, November 12, 2019, November 26, 2019, and/or December 10, 2019.

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Matthew D. Hardin

April 22, 2020

Page 2

those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).”

Enclosed are 3 pages responsive to your request and available for inspection, although we anticipated having records available today, we will require additional time to continue reviewing, searching and determining if we possess additional records that are responsive to your request. See § 14-2-10.

As such, we require additional time to respond to your written request. We now anticipate being able to complete this work and allow for inspection of the remaining public records on or before May 7, 2020. If you have any questions or concerns please contact the Office.

Sincerely,

A handwritten signature in blue ink that reads "Patricia M. Salazar". The signature is written in a cursive style and is positioned above the printed name.

Patricia M. Salazar
Open Government Division

From: [Myers, Michael](#)
To: [Aaron Kleinbaum \(NJ\)](#); [Aaron Love \(NJ\)](#); [Adam Duh \(PADEP\)](#); [Aimee Thomson \(PA AG\)](#); [Alison Hoffman \(RI\)](#); [Amy Beatie \(CO\)](#); [Andrea Baker](#); [Andy Goldberg](#); [Ann Johnston \(PA\)](#); [Anne Minard \(NM\)](#); [Arsenio Mataka \(CA\)](#); [Asher Spiller](#); [Aurora Janke](#); [Beth Mullin \(DC\)](#); "Bill F. Cooper (Hi)"; [Bill Sherman -- WA AG's office](#); [Blake Thomas \(NC\)](#); [Bo Reiley](#); [Bobby Schena \(PA DEP\)](#); [Brad Motl \(WI\)](#); [Brian Caldwell \(DC\)](#); [Burianek, Lisa](#); [Carrie Noteboom \(CO\)](#); [Cheerful Catuano \(WA AG\)](#); [Chris Ryder \(PA DEP\)](#); [Christie Vosburg \(CA\)](#); [Christopher Courchesne](#); [Cindy Chang \(WA\)](#); [Costello, Morgan](#); [Dan Nubel \(NV\)](#); [Daniel Rottenberg \(IL\)](#); [David Apy \(NJ\)](#); [David Hoffman \(DC\)](#); [David Zaft \(CA\)](#); "David Zonana (Ca)"; [Dennis Beck \(CA\)](#); [Dennis Ragen](#); [Dianna Shinn \(NJ\)](#); [Dirth, Eric](#); "Elaine Meckenstock (Ca)"; [Elizabeth Davis \(PA DEP\)](#); [Elizabeth Morrisseau](#); [Emily Nelson \(WA\)](#); [Emily Vainieri](#); [Eric Katz \(CA\)](#); [Francisco Benzoni \(NC AG\)](#); [Greg Schultz](#); [Heather Leslie](#); "Jacob Larson (Ia)"; [Jameson Tweedie \(DE\)](#); [Jason James \(IL\)](#); [JB Howard \(MD\)](#); [Jennie Demjanick \(PA DEP\)](#); [Jennifer Fradel \(NJ\)](#); [Jesse Walker](#); [Jill Lacedonia \(CT\)](#); [Jillian Riley](#); "Jonathan Wiener (Ca)"; [Josh Auerbach](#); [Josh Segal \(MD\)](#); [Kavita Lesser \(CA\)](#); "Kristen Furlan"; [Kristen Mitchell \(WA\)](#); [Laura Watson](#); "Lauren Maxwell (DC)"; [Leah Tulin \(MD AG\)](#); [Leigh Currie \(MN\)](#); [Leslie Frederickson \(MN PCA\)](#); [Leslie Seffern](#); "Liz Rumsey (Ca)"; [Lynn Angotti](#); [Magliaro, Jeremy](#); [Marc Bernstein \(NC\)](#); [Margaret Murphy \(PA\)](#); [Martin Goyette \(CA\)](#); [Mary Sauer \(ME\)](#); "Matthew Dunn (II)"; [Matthew Levine](#); [McCabe, Gavin](#); [Megan Herzog](#); [Megan Hey \(CA\)](#); [Megan Ulrich \(MDE\)](#); [Melissa Hoffer](#); [Menard, Brenda \(NC\)](#); [Michelle Moses \(PA\)](#); [Mike Fischer \(PA AG\)](#); [Nate Zolick \(WI\)](#); [Neil Gordon \(MI\)](#); [Nick Persampieri](#); [Oliver Larson \(MN\)](#); [Patrick Flanagan](#); [Paul Garrahan](#); [Paul Kugelman \(VA\)](#); [Pete Surdo \(MN\)](#); "Ralph Durstein (De)"; [Robert Snook](#); "Roberta James (Md)"; [Robyn Bender \(DC AG\)](#); [Sally Magnani](#); [Sarah Kogel-Smucker \(DC\)](#); [Sarah Morrison \(CA AG\)](#); [Scott Boak \(ME\)](#); "Scott Koschwitz (Ct)"; [Seth Schofield \(MA\)](#); [Skip Pruss \(MI\)](#); [Srolovic, Lemuel](#); [Stephen St. Vincent \(PA\)](#); [Steve Novick \(OR\)](#); [Steven Goldstein \(MD\)](#); [Susan Shinkman \(DC\)](#); [Tania Maestas](#); [Taylor Crabtree \(NC\)](#); [Tim Nord](#); "Timothy Sullivan (Ca)"; [Tom Y \(WA\)](#); "Tracy Triplett (Ma)"; [Tricia Jedeke](#); [Turner Smith \(MA\)](#); "Valerie Edge (De)"; [Wagner, Monica](#); [Washburn, Peter](#); [William Grantham](#)
Subject: RE: Multistate AG Coordination Call
Date: Tuesday, November 12, 2019 7:39:20 AM

One additional item, hot off the press (supplemental proposal on "secret science" rule):

<https://www.nytimes.com/2019/11/11/climate/epa-science-trump.html>

<https://int.nyt.com/data/documenthelper/6438-epa-science-rule/0056cd3a5a080415e713/optimized/full.pdf#page=1>

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: Myers, Michael
Sent: Tuesday, November 12, 2019 9:09 AM
To: 'Aaron Kleinbaum (NJ)' <Aaron.Kleinbaum@law.njoag.gov>; 'Aaron Love (NJ)' <Aaron.Love@law.njoag.gov>; 'Adam Duh (PADEP)' <aduh@pa.gov>; 'Aimee Thomson (PA AG)' <athomson@attorneygeneral.gov>; 'Alison Hoffman (RI)' <AHoffman@riag.ri.gov>; 'Amy Beatie (CO)' <Amy.Beatie@coag.gov>; 'Andrea Baker' <Andrea.Baker@maryland.gov>; 'Andy Goldberg' <andy.goldberg@state.ma.us>; 'Ann Johnston (PA)' <ajohnston@attorneygeneral.gov>; 'Anne Minard (NM)' <aminard@nmag.gov>; 'Arsenio Mataka (CA)' <Arsenio.Mataka@doj.ca.gov>; 'Asher Spiller' <Aspiller@ncdoj.gov>; 'Aurora Janke' <AuroraJ@ATG.WA.GOV>; 'Beth Mullin (DC)' <beth.mullin@dc.gov>; 'Bill F. Cooper (Hi)' <Bill.F.Cooper@hawaii.gov>; 'Bill Sherman -- WA AG's office' <BillS5@ATG.WA.GOV>; 'Blake Thomas (NC)' <bthomas@ncdoj.gov>; 'Bo Reiley' <rreiley@state.pa.us>; 'Bobby Schena (PA DEP)' <roschena@pa.gov>; 'Brad Motl (WI)' <motlbj@doj.state.wi.us>; 'Brian Caldwell (DC)' <brian.caldwell@dc.gov>; Burianek, Lisa

<Lisa.Burianek@ag.ny.gov>; 'Carrie Noteboom (CO)' <Carrie.Noteboom@coag.gov>; 'Cheerful Catuano (WA AG)' <CheerfulC@ATG.WA.GOV>; 'Chris Ryder (PA DEP)' <chriryder@pa.gov>; 'Christie Vosburg (CA)' <Christie.Vosburg@doj.ca.gov>; 'Christopher Courchesne' <christophe.courchesne@state.ma.us>; 'Cindy Chang (WA)' <Cindy.Chang@ATG.WA.GOV>; Costello, Morgan <Morgan.Costello@ag.ny.gov>; 'Dan Nubel (NV)' <Dnubel@ag.nv.gov>; 'Daniel Rottenberg (IL)' <DRottenberg@atg.state.il.us>; 'David Apy (NJ)' <David.Apy@law.njoag.gov>; 'David Hoffman (DC)' <David.Hoffmann@dc.gov>; 'David Zaft (CA)' <david.zaft@doj.ca.gov>; 'David Zonana (Ca)' <David.Zonana@doj.ca.gov>; 'Dennis Beck (CA)' <Dennis.Beck@doj.ca.gov>; 'Dennis Ragen' <dennis.ragen@doj.ca.gov>; 'Dianna Shinn (NJ)' <Dianna.Shinn@law.njoag.gov>; 'Dirth, Eric' <eric.dirth@ag.iowa.gov>; 'Elaine Meckenstock (Ca)' <Elaine.Meckenstock@doj.ca.gov>; 'Elizabeth Davis (PA DEP)' <elidavis@pa.gov>; 'Elizabeth Morrisseau' <MorrisseauE@michigan.gov>; 'Emily Nelson (WA)' <emily.nelson@atg.wa.gov>; 'Emily Vainieri' <emily.vainieri1@maryland.gov>; 'Eric Katz (CA)' <Eric.Katz@doj.ca.gov>; 'Francisco Benzoni (NC AG)' <Fbenzoni@ncdoj.gov>; 'Greg Schultz' <gSchultz@riag.ri.gov>; 'Heather Leslie' <Heather.Leslie@doj.ca.gov>; 'Jacob Larson (Ia)' <Jacob.Larson@iowa.gov>; 'Jameson Tweedie (DE)' <Jameson.Tweedie@delaware.gov>; 'Jason James (IL)' <jjames@atg.state.il.us>; 'JB Howard (MD)' <jbhoward@oag.state.md.us>; 'Jennie Demjanick (PA DEP)' <jdemjanick@pa.gov>; 'Jennifer Fradel (NJ)' <jennifer.fradel@law.njoag.gov>; 'Jesse Walker' <jeswalker@pa.gov>; 'Jill Lacedonia (CT)' <Jill.Lacedonia@ct.gov>; 'Jillian Riley' <jillian.riley@state.ma.us>; 'Jonathan Wiener (Ca)' <Jonathan.Wiener@doj.ca.gov>; 'Josh Auerbach' <jauerbach@oag.state.md.us>; 'Josh Segal (MD)' <jsegal@oag.state.md.us>; 'Kavita Lesser (CA)' <kavita.lessner@doj.ca.gov>; 'Kristen Furlan' <kfurlan@pa.gov>; 'Kristen Mitchell (WA)' <KristenM1@ATG.WA.GOV>; 'Laura Watson' <lauraw2@atg.wa.gov>; 'Lauren Maxwell (DC)' <lauren.maxwell@dc.gov>; 'Leah Tulin (MD AG)' <ltulin@oag.state.md.us>; 'Leigh Currie (MN)' <Leigh.Currie@ag.state.mn.us>; 'Leslie Frederickson (MN PCA)' <leslie.fredrickson@state.mn.us>; 'Leslie Seffern' <LeslieS@ATG.WA.GOV>; 'Liz Rumsey (Ca)' <Liz.Rumsey@doj.ca.gov>; 'Lynn Angotti' <lynn.angotti@maryland.gov>; Magliaro, Jeremy <Jeremy.Magliaro@ag.ny.gov>; 'Marc Bernstein (NC)' <mbernstein@ncdoj.gov>; 'Margaret Murphy (PA)' <mamurphy@pa.gov>; 'Martin Goyette (CA)' <Martin.Goyette@doj.ca.gov>; 'Mary Sauer (ME)' <Mary.Sauer@maine.gov>; 'Matthew Dunn (IL)' <MDunn@atg.state.il.us>; 'Matthew Levine' <Matthew.Levine@ct.gov>; McCabe, Gavin <Gavin.McCabe@ag.ny.gov>; 'Megan Herzog' <megan.herzog@state.ma.us>; 'Megan Hey (CA)' <Megan.Hey@doj.ca.gov>; 'Megan Ulrich (MDE)' <megan.ulrich@maryland.gov>; 'Melissa Hoffer' <Melissa.Hoffer@MassMail.State.MA.US>; 'Menard, Brenda (NC)' <BMenard@ncdoj.gov>; 'Michelle Moses (PA)' <mmoses@pa.gov>; 'Mike Fischer (PA AG)' <mfischer@attorneygeneral.gov>; Myers, Michael <Michael.Myers@ag.ny.gov>; 'Nate Zolick (WI)' <ZolikNJ@doj.state.wi.us>; 'Neil Gordon (MI)' <gordonN1@michigan.gov>; 'Nick Persampieri' <nick.persampieri@vermont.gov>; 'Oliver Larson (MN)' <Oliver.Larson@ag.state.mn.us>; 'Patrick Flanagan' <Patrick.A.Flanagan@doj.state.or.us>; 'Paul Garrahan' <Paul.Garrahan@doj.state.or.us>; 'Paul Kugelman (VA)' <PKugelman@oag.state.va.us>; 'Pete Surdo (MN)' <Peter.Surdo@ag.state.mn.us>; 'Ralph Durstein (De)' <Ralph.Durstein@state.de.us>; 'Robert Snook' <Robert.snook@ct.gov>; 'Roberta James (Md)' <Roberta.James@maryland.gov>; 'Robyn Bender (DC AG)' <robyn.bender@dc.gov>; 'Sally Magnani' <Sally.Magnani@doj.ca.gov>; 'Sarah Kogel-Smucker (DC)' <Sarah.Kogel-Smucker@dc.gov>; 'Sarah Morrison (CA AG)' <Sarah.Morrison@doj.ca.gov>; 'Scott Boak (ME)' <scott.boak@maine.gov>; 'Scott Koschwitz (Ct)' <Scott.Koschwitz@ct.gov>; 'Seth Schofield (MA)' <seth.schofield@state.ma.us>; 'Skip Pruss (MI)' <pruss@5lakesenergy.com>; Srolovic, Lemuel <Lemuel.Srolovic@ag.ny.gov>; 'Stephen St. Vincent (PA)'

<sstvincent@attorneygeneral.gov>; 'Steve Novick (OR)' <Steve.Novick@doj.state.or.us>; 'Steven Goldstein (MD)' <sgoldstein@oag.state.md.us>; 'Susan Shinkman (DC)' <Susan.Shinkman@dc.gov>; 'Tania Maestas' <tmaestas@nmag.gov>; 'Taylor Crabtree (NC)' <tcrabtree@ncdoj.gov>; 'Tim Nord' <Tim.D.Nord@doj.state.or.us>; 'Timothy Sullivan (Ca)' <Timothy.Sullivan@doj.ca.gov>; 'Tom Y (WA)' <TomY@atg.wa.gov>; 'Tracy Triplett (Ma)' <tracy.triplett@state.ma.us>; 'Tricia Jedele' <TJedele@riag.ri.gov>; 'Turner Smith (MA)' <turner.smith@state.ma.us>; 'Valerie Edge (De)' <Valerie.Edge@state.de.us>; Wagner, Monica <Monica.Wagner@ag.ny.gov>; Washburn, Peter <Peter.Washburn@ag.ny.gov>; 'William Grantham' <wgrantham@nmag.gov>

Subject: Multistate AG Coordination Call

All—A reminder that we have a multistate AG coordination call today at 2 eastern. The security code is **1119**. As noted in my email last week, we'll be joined for the first part of the call by Adrian Deveny, legislative assistant for climate and energy issues in Sen. Chuck Schumer's office. Also attached/linked below are some additional items for discussion.--Mike

<https://www.congress.gov/bill/116th-congress/senate-bill/2754/text> (HFC bill)

https://www.eenews.net/assets/2019/10/23/document_gw_01.pdf (New Source Review bill)

https://www.epa.gov/sites/production/files/2019-11/documents/steam-electric-proposed_prepub_11-04-2019.pdf (EPA proposed rule on effluent limitation guidelines from coal-fired power plants)

https://www.epa.gov/sites/production/files/2019-11/documents/pre-publication_version_of_the_proposal_a_holistic_approach_to_closure_part_a_11_4_2019.pdf (EPA proposed rule on coal ash ponds)

Michael J. Myers
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STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 7, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

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“all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Bill Grantham, ii) Anne Minard, and/or iii) Tania Maestas, that b) includes, anywhere, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email “thread”, including also in any attachments, “Multistate AG Coordination Call”, and c) was sent or received on May 19, 2019, August 6, 2019, October 15, 2019, November 12, 2019, November 26, 2019, and/or December 10, 2019.

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Matthew D. Hardin

May 7, 2020

Page 2

those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).”

We have now concluded a search of the records maintained by this office and have located no further records. As such, we consider this matter closed. If you have any questions or concerns please contact the Office.

Sincerely,



Patricia M. Salazar

Open Government Division

REQUEST UNDER NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT

April 12, 2020

Records Custodian
New Mexico Attorney General's Office
PO Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov

Re: Certain Correspondence

Dear Sir or Madam:

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2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) William Grantham, that b) includes in the subject field, i)

GHG Emissions Affirmative Legislation and/or ii) Affirmative Climate, and c) is dated from June 17, 2019 through April 9, 2020, inclusive.

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EPA's ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and the [ClimateLitigationWatch.org](https://www.climateactionwatch.org/) project dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA and published on [ClimateLitigationWatch.org](https://www.climateactionwatch.org/) have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead **we request records in their native form**, with specific reference to the U.S. Securities and

¹ See, e.g., The Editorial Board, "State AGs' Climate Cover-Up" Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, "Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation" Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also "Climate Strike Sparks Debate on Use of Students as Props", <https://www.realclearpolicy.com/2019/03/15/climate-strike-sparks-debate-on-use-of-students-as-props-41180.html>. Valerie Richardson, "Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit" Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, "Emails reveals how children become pawns of climate alarmism", Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

Exchange Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (*Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.*)” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

April 27, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 12, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“1. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) William Grantham, that b) includes, anywhere, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email “thread”, including also in any attachments, “Multistate AG Coordination Call”, and c) was sent or received on October 29, 2019, December 3, 2019, and/or December 17, 2019;

2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) William Grantham, that b) includes in the subject field, i) GHG Emissions Affirmative Legislation and/or ii) Affirmative Climate, and c) is dated from June 17, 2019 through April 9, 2020, inclusive.”

Enclosed are documents maintained by the Office of the New Mexico Attorney General, responsive to your request and available for inspection. If you have any questions about your request or this Office’s response, please let me know.

Sincerely,


Patricia M. Salazar
Open Government Division

EXHIBIT 21

From: [Myers, Michael](#)
To: [Aaron Kleinbaum \(NJ\)](#); [Aaron Love \(NJ\)](#); [Adam Duh \(PADEP\)](#); [Aimee Thomson \(PA AG\)](#); [Alison Hoffman \(RI\)](#); [Amy Beatie \(CO\)](#); [Andrea Baker](#); [Andy Goldberg](#); [Ann Johnston \(PA\)](#); [Anne Minard \(NM\)](#); [Arsenio Mataka \(CA\)](#); [Asher Spiller](#); [Aurora Janke](#); [Beth Mullin \(DC\)](#)"; ["Bill F. Cooper \(Hi\)"](#); [Bill Sherman -- WA AG's office](#); [Blake Thomas \(NC\)](#); [Bo Reiley](#); [Brad Motl \(WI\)](#); [Brian Caldwell \(DC\)](#); [Burianek, Lisa](#); [Carrie Noteboom \(CO\)](#); [Chris Ryder \(PA DEP\)](#); [Christie Vosburg \(CA\)](#); [Christopher Courchesne](#); [Cindy Chang \(WA\)](#); [Costello, Morgan](#); [Dan Nubel \(NV\)](#); [Daniel Rottenberg \(IL\)](#); [David Apy \(NJ\)](#); [David Hoffman \(DC\)](#); [David Zaft \(CA\)](#); ["David Zonana \(Ca\)"](#); [Dennis Beck \(CA\)](#); [Dennis Ragen](#); [Dianna Shinn \(NJ\)](#); [Dirth, Eric](#); ["Elaine Meckenstock \(Ca\)"](#); [Elizabeth Davis \(PA DEP\)](#); [Elizabeth Morrisseau](#); [Emily Nelson \(WA\)](#); [Emily Vainieri](#); [Eric Katz \(CA\)](#); [Francisco Benzoni \(NC AG\)](#); [Greg Schultz](#); [Heather Leslie](#); ["Jacob Larson \(Ia\)"](#); [James Moreno \(PA DEP\)](#); [Jameson Tweedie \(DE\)](#); [Jason James \(IL\)](#); [JB Howard \(MD\)](#); [Jennie Demjanick \(PA DEP\)](#); [Jennifer Fradel \(NJ\)](#); [Jesse Walker](#); [Jill Lacedonia \(CT\)](#); [Jillian Riley](#); ["Jonathan Wiener \(Ca\)"](#); [Josh Auerbach](#); [Josh Segal \(MD\)](#); [Kavita Lesser \(CA\)](#); ["Kristen Furlan"](#); [Kristen Mitchell \(WA\)](#); [Laura Watson](#); ["Lauren Maxwell \(DC\)"](#); [Leah Tulin \(MD AG\)](#); [Leigh Currie \(MN\)](#); [Leslie Frederickson \(MN PCA\)](#); [Leslie Seffern](#); ["Liz Rumsey \(Ca\)"](#); [Lynn Angotti](#); [Magliaro, Jeremy](#); [Marc Bernstein \(NC\)](#); [Margaret Murphy \(PA\)](#); [Martin Goyette \(CA\)](#); [Mary Sauer \(ME\)](#); ["Matthew Dunn \(IL\)"](#); [Matthew Levine](#); [McCabe, Gavin](#); [Megan Herzog](#); [Megan Hey \(CA\)](#); [Megan Ulrich \(MDE\)](#); [Melissa Hoffer](#); [Menard, Brenda \(NC\)](#); [Michelle Moses \(PA\)](#); [Mike Fischer \(PA AG\)](#); [Myers, Michael](#); [Nate Zolick \(WI\)](#); [Neil Gordon \(MI\)](#); [Nick Persampieri](#); [Oliver Larson \(MN\)](#); [Patrick Flanagan](#); [Paul Garrahan](#); [Paul Kugelman \(VA\)](#); [Pete Surdo \(MN\)](#); [Robert Snook](#); ["Roberta James \(Md\)"](#); [Robyn Bender \(DC AG\)](#); [Sally Magnani](#); [Sarah Kogel-Smucker \(DC\)](#); [Sarah Morrison \(CA AG\)](#); [Scott Boak \(ME\)](#); ["Scott Koschwitz \(Ct\)"](#); [Scott Steinbrecher \(CO\)](#); [Seth Schofield \(MA\)](#); [Skip Pruss \(MI\)](#); [Srolovic, Lemuel](#); [Stephen St. Vincent \(PA\)](#); [Steve Novick \(OR\)](#); [Steven Goldstein \(MD\)](#); [Susan Shinkman \(DC\)](#); [Tania Maestas](#); [Taylor Crabtree \(NC\)](#); [Tim Nord](#); ["Timothy Sullivan \(Ca\)"](#); [Tom Y \(WA\)](#); ["Tracy Triplett \(Ma\)"](#); [Tricia Jedele](#); [Turner Smith \(MA\)](#); ["Valerie Edge \(De\)"](#); [Wagner, Monica](#); [Washburn, Peter](#); [William Grantham](#)
Subject: Multistate AG Coordination Call Today
Date: Tuesday, December 17, 2019 9:32:39 AM
Attachments: [NJ recordkeeping recon petition.pdf](#)
[NJ recordkeeping stmt of issues.pdf](#)

All, the security code for today's 2 pm eastern call is [REDACTED]. Attached are materials for one of the topics for discussion.--Mike

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

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EXHIBIT 22

REQUEST UNDER NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT

April 17, 2020

Records Custodian
New Mexico Attorney General's Office
PO Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov

Re: Certain Correspondence and Invitations

Dear Sir or Madam:

On behalf of the public policy group Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of the following records:

1. all a) notices of, cancellations of, and/or invitations to participate in a "Multistate" call and/or "Coordination Call", that b) were sent to William Grantham, c) from Emma Borg and/or Steve Novick, that d) are dated October 22, 2019 through the date you process this request, inclusive; also
2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to William Grantham, b) from Emma Borg and/or Steve Novick, that c) is dated July 10, 11, or 12, 2019.

We request entire "threads" of which any responsive electronic correspondence is a part, regardless whether any portion falls outside of the above time parameter.

We note this request is narrowly tailored. It seeks emails giving notice or invitation to participate in clearly described and readily identifiable telephone calls as well correspondence with the same individuals during a narrow window of time. As such, search and review should take minimal time.

Please consider as non-responsive electronic correspondence that merely receives or forwards newsletters or press summaries or ‘clippings’, such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).

Additionally, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded to or from the named persons with substantive commentary added by the sender.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, EPA is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues.

EPA's ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and the [ClimateLitigationWatch.org](https://www.climatelitigationwatch.org) project dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA and published on [ClimateLitigationWatch.org](https://www.climatelitigationwatch.org) have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead **we request records in their native form**, with specific reference to the U.S. Securities and

¹ See, e.g., The Editorial Board, "State AGs' Climate Cover-Up" Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, "Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation" Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also "Climate Strike Sparks Debate on Use of Students as Props", <https://www.realclearpolicy.com/2019/03/15/climate-strike-sparks-debate-on-use-of-students-as-props-41180.html>. Valerie Richardson, "Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit" Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, "Emails reveals how children become pawns of climate alarmism", Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

Exchange Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (*Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.*)” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 1, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 17, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“1. all a) notices of, cancellations of, and/or invitations to participate in a “Multistate” call and/or “Coordination Call”, that b) were sent to William Grantham, c) from Emma Borg and/or Steve Novick, that d) are dated October 22, 2019 through the date you process this request, inclusive; also

2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to William Grantham, b) from Emma Borg and/or Steve Novick, that c) is dated July 10, 11, or 12, 2019.

We request entire “threads” of which any responsive electronic correspondence is a part, regardless whether any portion falls outside of the above time parameter.”

We have located 6 pages of records, responsive to your request, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product. *See Santa Fe Pac. Gold Corp. v. United Nuclear Corp.*, 2007- NMCA-133, ¶¶ 38-39, 175 P.3d 309; *Richards v. N.M. Developmental Disabilities Planning Council*, 2011 WL 2042553, at *1 (N.M. Ct. App. Apr. 13, 2011) (non-precedential). Although we anticipated having all records available today, we will require additional time to continue

Matthew D. Hardin

May 1, 2020

Page 2

reviewing, possibly redacting, searching and determining if we possess additional records that are responsive to your request. *See* § 14-2-10. We now anticipate being able to complete this work and allow for inspection of the public records on or before May 15, 2020. If you have any questions about your request, or this Office's response, please let me know.

Sincerely,



Patricia M. Salazar
Open Government Division

Person Responsible for denial:

Cholla Khoury, Director of Consumer and Environmental Protection Division

From: [Novick Steve](#)
To: [REDACTED]
Cc:
Subject: Affirmative Climate Litigation [REDACTED]
Date: Friday, July 12, 2019 4:28:28 PM
Attachments: [REDACTED]

CONFIDENTIAL – PROTECTED BY COMMON INTEREST PRIVILEGE

Folks – attached is a memo discussing one possible “affirmative climate litigation” strategy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Steve Novick
Special Assistant Attorney General | Natural Resources Section | General Counsel Division
Oregon Department of Justice
100 SW Market, Portland OR 97201
971-673-1891 (Direct)
971-719-1377 (Mobile)

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This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: [Novick Steve](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: Affirmative Climate Litigation CIA
Date: Wednesday, July 10, 2019 3:48:06 PM
Attachments: [Affirmative Climate CIA.PDF](#)

Folks – [REDACTED] here is the CIA, with signatures, for the [REDACTED] affirmative climate litigation group. [REDACTED]
[REDACTED] let me know if I've missed someone.

Best,

Steve Novick
Special Assistant Attorney General | Natural Resources Section | General Counsel Division
Oregon Department of Justice
100 SW Market, Portland OR 97201
971-673-1891 (Direct)
971-719-1377 (Mobile)

*****CONFIDENTIALITY NOTICE*****

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From: [Novick Steve](#)

To:



Subject: FW: Affirmative Climate CIA

Date: Friday, July 12, 2019 1:50:45 PM

Attachments: [Affirmative Climate CIA \(2019.07.12\).pdf](#)

Attached is a pdf of the CIA for affirmative climate litigation

 this might not be the last version

Steve Novick
Special Assistant Attorney General | Natural Resources Section | General Counsel Division
Oregon Department of Justice
100 SW Market, Portland OR 97201
971-673-1891 (Direct)
971-719-1377 (Mobile)

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: [Novick Steve](#)
To: [REDACTED] [Minard, Anne](#); [William Grantham](#)
Subject: RE: Draft comments, [REDACTED]
Date: Wednesday, July 10, 2019 12:35:46 PM

CONFIDENTIAL – SUBJECT TO COMMON INTEREST PROTECTION

Anne – just an FYI – it may be that we won't be able to give you all our feedback on your next draft

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] that may result in our having further comments on the comments.

Best,

Steve Novick
Special Assistant Attorney General | Natural Resources Section | General Counsel Division
Oregon Department of Justice
100 SW Market, Portland OR 97201
971-673-1891 (Direct)
971-719-1377 (Mobile)

From: [REDACTED]
Sent: Tuesday, July 2, 2019 12:03 PM
To: Minard, Anne; William Grantham
Cc: Novick Steve
Subject: RE: Draft comments [REDACTED]

Okay great, thanks! And sorry to keep bugging you. I'm leaving for vacation Thursday and trying to get our internal memo on this done quickly before I go, so I'm just trying to make sure I (quickly) cover all my bases!

Thanks,

[REDACTED]

From: Minard, Anne <aminard@nmag.gov>
Sent: Tuesday, July 02, 2019 11:59 AM
To: [REDACTED] William Grantham <wgrantham@nmag.gov>
Cc: Novick Steve <Steve.Novick@doj.state.or.us>
Subject: Re: Draft comments, [REDACTED]

Good [REDACTED]
[REDACTED] In response to your message yesterday. [REDACTED]
[REDACTED]

Thank you,
Anne

On Tue, Jul 2, 2019 at 12:49 PM [REDACTED] wrote:

| **CONFIDENTIAL – SUBJECT TO COMMON INTEREST PROTECTION**

Anne and Steve – quick question on this that I thought one or both of you may have thought about. [REDACTED]

Thanks!

From: Minard, Anne <aminard@nmag.gov>

Sent: Monday, July 01, 2019 8:02 AM

To: [REDACTED]

Subject: Draft comments, [REDACTED]

Hi all,

As promised, [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Thank you,
Anne

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| communication.

--

*** Privileged and confidential. Subject to Common Interest Agreement.***

Anne Minard
Special Assistant Attorney General
State of New Mexico Office of the Attorney General
Consumer & Environmental Protection Division
408 Galisteo Street
Santa Fe, NM 87501
505-490-4045

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STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 29, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 17, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

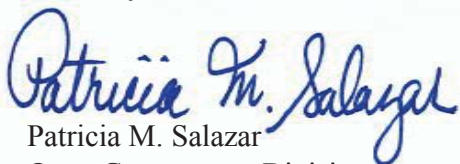
“1. all a) notices of, cancellations of, and/or invitations to participate in a “Multistate” call and/or “Coordination Call”, that b) were sent to William Grantham, c) from Emma Borg and/or Steve Novick, that d) are dated October 22, 2019 through the date you process this request, inclusive; also

2. all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, a) sent to William Grantham, b) from Emma Borg and/or Steve Novick, that c) is dated July 10, 11, or 12, 2019.

We request entire “threads” of which any responsive electronic correspondence is a part, regardless whether any portion falls outside of the above time parameter.”

We have now concluded a search of the records maintained by this office and have located no further records. As such, we consider this matter closed. If you have any questions or concerns please contact the Office.

Sincerely,


Patricia M. Salazar

Open Government Division

EXHIBIT 26

REQUEST UNDER NEW MEXICO INSPECTION OF PUBLIC RECORDS ACT

April 28, 2020

Records Custodian
New Mexico Attorney General's Office
PO Drawer 1508
Santa Fe, NM 87504-1508

By Electronic Mail: IPRArequestrecords@nmag.gov

Re: Certain Correspondence

Dear Sir or Madam:

On behalf of Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code and pursuant to the New Mexico Inspection of Public Records Act, I hereby request copies of all electronic correspondence, including also any attachments, and accompanying information (see discussion of SEC Data Delivery Standards, *infra*), that was sent to or from or which copies William Grantham, dated from February 1, 2020 through April 28, 2020, inclusive, that:

1. includes, *anywhere*, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email thread or attachment, and including as part of that record, a) the word “complaint” **and** b) i) “criteria pollutant” (which also includes “criteria pollutants”), ii) “greenhouse gas”, (which includes “greenhouse gases”), and/or iii) “GHG”; or that
2. provides notice pursuant to any common interest agreement of any public records request, or otherwise discusses or references any public records request or public records lawsuit, submitted to any party by a) Matthew Hardin, b) Neal Cornett, c) Chris or Christopher Horner, and/or d) Energy Policy Advocates.

EXHIBIT 27

Regarding #1 of this request, we do not seek any draft documents, such as, e.g., any draft complaint circulated, though we do seek all correspondence transmitting any such draft records, subject to any proper redactions.

Also for # 1, to narrow this request, please consider as non-responsive electronic correspondence that merely receives or forwards newsletters or press summaries or ‘clippings’, such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).

Additionally, please consider all published or docketed materials, including pleadings, regulatory comments, ECF notices, news articles, and/or newsletters, as non-responsive, unless forwarded to or from the named persons with substantive commentary added by the sender.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, EPA is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. EPA’s ability to obtain fee waivers is essential to this work. EPA intends to use any responsive

information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via its partnership with the non-profit public interest law firm Government Accountability & Oversight, P.C., and the ClimateLitigationWatch.org project dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by EPA and published on ClimateLitigationWatch.org have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead **we request records in their native form**, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

¹ See, e.g., The Editorial Board, "State AGs' Climate Cover-Up" Wall Street Journal, June 7, 2019, <https://www.wsj.com/articles/state-ags-climate-cover-up-11559945410>. Valerie Richardson, "Motivated or manipulated? Rise of youth climate activism fuels alarms over exploitation" Washington Times, March 15, 2019, <https://www.washingtontimes.com/news/2019/mar/13/youth-climate-strike-sparks-debate-use-students-pr/>, see also "Climate Strike Sparks Debate on Use of Students as Props", <https://www.realclearpolicy.com/2019/03/15/climate-strike-sparks-debate-on-use-of-students-as-props-41180.html>. Valerie Richardson, "Democratic AGs team up with George Soros-funded group on anti-Trump lawsuit" Washington Times, August 1, 2019, <https://www.washingtontimes.com/news/2019/aug/1/george-soros-funded-group-democratic-ags-partner-a/>. Anthony Watts, "Emails reveals how children become pawns of climate alarmism", Watts Up With That (two-time Science Website of the Year), March 13, 2019, <https://wattsupwiththat.com/2019/03/13/emails-reveal-how-children-become-pawns-of-climate-alarmism/>.

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. *(Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)*” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your response. If you have any questions, do not hesitate to contact me by email at MatthewDHardin@protonmail.com.

Sincerely,

Matthew D. Hardin

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

May 28, 2020

VIA ELECTRONIC MAIL ONLY

Matthew D. Hardin
Email: MatthewDHardin@protonmail.com

Re: Your Request for Public Records

Dear Mr. Hardin:

On April 28, 2020, our office received your request under the New Mexico Inspection of Public Records Act, NMSA 1978; Sections 14-2-1 to -12 (1993, and as amended). In the correspondence you have requested to inspect the following records:

“I hereby request copies of all electronic correspondence, including also any attachments, and accompanying information (see discussion of SEC Data Delivery Standards, infra), that was sent to or from or which copies William Grantham, dated from February 1, 2020 through April 28, 2020, inclusive, that:

1. includes, anywhere, whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email or email thread or attachment, and including as part of that record, a) the word “complaint” and b) i) “criteria pollutant” (which also includes “criteria pollutants”), ii) “greenhouse gas”, (which includes “greenhouse gases”), and/or iii) “GHG”; or that

2. provides notice pursuant to any common interest agreement of any public records request, or otherwise discusses or references any public records request or public records lawsuit, submitted to any party by a) Matthew Hardin, b) Neal Cornett, c) Chris or Christopher Horner, and/or d) Energy Policy Advocates.”

Enclosed are records responsive to your request and available for inspection, however partial information of these records are being withheld by redactions pursuant to NMSA 1978, Section 14-2-1(A)(4) and Rule 1-026(B)(4) NMRA as they constitute protected attorney work-product and Common Interest Agreements. If you have any questions about your request, or this Office’s response, please let me know.

EXHIBIT 28

Matthew D. Hardin
May 28, 2020
Page 2

Sincerely,

A handwritten signature in blue ink that reads "Patricia M. Salazar". The signature is written in a cursive style with a large initial "P".

Patricia M. Salazar
Open Government Division

Person Responsible for denial:

Cholla Khoury, Director of Consumer and Environmental Protection Division

From: [REDACTED]
To: [REDACTED]
Subject: FOIA appeal - updated response
Date: Friday, April 10, 2020 10:00:36 AM
Attachments: [Pgs 142-158 revised 2020-04-10.pdf](#)

Hi everyone,

In response to an appeal of an earlier FOIA request that asked for CIAs, we have decided to release an updated and less redacted version of the attached CIA. The decision from our FOIA counsel is that discussions of filed lawsuits are no longer privileged from release. We anticipate releasing this next week. Feel free to reach out with any questions.

Thanks,

[REDACTED]
[REDACTED]
Environment, Natural Resources,
and Agricultural Division
[REDACTED]
[REDACTED]
[REDACTED]

Teleworking due to COVID-19 emergency

From:
To:

[REDACTED]

Subject: Notice - [REDACTED] Public Records Request Multistate Complaints/Petitions for Review
Date: Wednesday, March 18, 2020 3:18:15 PM
Attachments: [Multistate \[REDACTED\] Response List.xlsx](#)

Dear All,

[REDACTED] received a public records request for all complaints/petitions for review filed by Attorney General [REDACTED] (including matters [REDACTED] joined) against the federal government. In light of the numerous responsive matters and to save everyone's inbox from an influx of emails, I have attached a list of the matters that [REDACTED] intends to release. The highlighted rows are the environmental/energy multistate matters related to the work from our group. Again the request is for complaints/petitions for review only and no other information. Please let me know if anyone has any questions or concerns.

Sincerely,

[REDACTED]

CONFIDENTIALITY NOTICE The information contained in this communication from the Office of the [REDACTED] Attorney General is privileged and confidential and is intended for

the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Office of the Attorney General at [REDACTED] to arrange for the return of this information.

From:

[Redacted]

[Redacted]

[Redacted]

AGO [Redacted]

Date: Wednesday, April 15, 2020 5:32:30 PM

Attachments: [Redacted]

Dear Common Interest Agreement Signors –

This is to notify you that [Redacted] has received a public records request for the following:

I hereby request copies of the following records: [Redacted]

In response to this request, we intend to release the attached redacted versions of the CIAs as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [Redacted] law, [Redacted], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 27, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[Redacted]

From:

[REDACTED]

[REDACTED]

Subject:

Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

Date:

Wednesday, April 15, 2020 12:29:44 PM

Attachments:

[REDACTED]

Dear Common Interest Agreement Signor –

This is to notify you that [REDACTED] has received a public records request for the following:

I hereby request copies of the following records:

[REDACTED]

In response to this request, we intend to withhold the CIA as attorney work product.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

From:
To:

[REDACTED]

Cc:

Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED] CIA

Date: Tuesday, April 14, 2020 5:44:59 PM

Attachments: [REDACTED]

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

I hereby request copies of the following records: [REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED] you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

From:
To:

[REDACTED]

Subject:

Notice of Public Records Request to the [REDACTED] AGO [REDACTED] CIA

Date:

Wednesday, April 8, 2020 5:58:26 PM

Attachments:

[REDACTED]

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

I hereby request copies of the following records: [REDACTED]

[REDACTED]

In response to this request, we intend to release the attached redacted versions of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted documents on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]
Date: Wednesday, April 8, 2020 5:22:52 PM
Attachments: [REDACTED]

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

I hereby request copies of the following records: [REDACTED]
[REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:

[REDACTED]

[REDACTED]

Subject:

Notice of Public Records Request to the [REDACTED] AGO [REDACTED] CIA

Date:

Wednesday, April 8, 2020 4:00:41 PM

Attachments:

[REDACTED]

Dear Common Interest Agreement Signors -

This is to notify you that [REDACTED] [REDACTED] has received a public records request for the following:

I hereby request copies of the following records:

[REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you

[REDACTED]

From:
To:

[REDACTED]

Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED] - [REDACTED]
Date: Wednesday, February 5, 2020 1:23:42 PM
Attachments: [REDACTED]

Dear Common Interest Agreement Signors –

Attached please find a copy of the public records request the Office of the Attorney General (AGO) received. This request seeks the following:

This is a public records request under the [REDACTED] Public Records Act. I am requesting the following:

- *All emails sent from staff members of the attorney general's office to anyone with an email address ending in [REDACTED] or [REDACTED]*
- *All emails sent from anyone with an email address ending in [REDACTED] or [REDACTED] to staff members of the attorney general's office*
- *Any attachments to responsive emails*
- *All text messages or similar instant messages (i.e. WhatsApp, GChat, etc.) between the Attorney General and [REDACTED], or between [REDACTED]*

The time frame for my request is between June 1, 2019 and the date of the processing of this request.

Please note that certain exempted information that might be contained in the documents will be redacted. The AGO intends to release the documents in response to the public records request. Pursuant to [REDACTED], an agency may notify persons named in the record, or to whom the record pertains, of the request for disclosure. That section also provides that release of any specific public record may be enjoined by a person named in the record or to whom the record specifically pertains if the superior court finds that examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital government functions.

Therefore, the purpose of this letter is to notify you of the pending disclosure of the above-referenced documents, and give you an opportunity to seek to enjoin disclosure under [REDACTED]. Disclosure will occur after **February 20, 2020**, absent our receipt of the order enjoining disclosure under [REDACTED]. You must provide a copy of the signed order to this office prior to close of business on **February 20, 2020**. In addition, pursuant to the Supreme Court decision in [REDACTED], you must ensure that all necessary parties, which the court interpreted as including the requester, have been joined in your action.

If there is an entity that should receive this notice, please let me know right away.

Please contact me at Office of the Attorney General, [REDACTED], if you have any questions. Thank you.

[REDACTED]

From:
To:

[REDACTED]

Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]
Date: Wednesday, February 5, 2020 1:22:24 PM
Attachments: [19-795 Request.pdf](#)

Dear Common Interest Agreement Signors –

Attached please find a copy of the public records request the Office of the Attorney General (AGO) received. This request seeks the following:

This is a public records request under the [REDACTED] Public Records Act. I am requesting the following:

- All emails sent from staff members of the attorney general's office to anyone with an email address ending in [REDACTED] or [REDACTED]
- All emails sent from anyone with an email address ending in [REDACTED] or [REDACTED] to staff members of the attorney general's office
- Any attachments to responsive emails
- All text messages or similar instant messages (i.e. WhatsApp, GChat, etc.) between the Attorney General and [REDACTED] [REDACTED] [REDACTED] or between high-ranking aides of the Attorney General and [REDACTED] [REDACTED]

The time frame for my request is between June 1, 2019 and the date of the processing of this request.

Please note that certain exempted information that might be contained in the documents will be redacted. The AGO intends to release the documents in response to the public records request. Pursuant to [REDACTED] an agency may notify persons named in the record, or to whom the record pertains, of the request for disclosure. That section also provides that release of any specific public record may be enjoined by a person named in the record or to whom the record specifically pertains if the superior court finds that examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital government functions.

Therefore, the purpose of this letter is to notify you of the pending disclosure of the above-referenced documents, and give you an opportunity to seek to enjoin disclosure under [REDACTED]. Disclosure will occur after **February 20, 2020**, absent our receipt of the

order enjoining disclosure under [REDACTED] You must provide a copy of the signed order to this office prior to close of business on **February 20, 2020**. In addition, pursuant to the Supreme Court decision in [REDACTED], you must ensure that all necessary parties, which the court interpreted as including the requester, have been joined in your action.

If there is an entity that should receive this notice, please let me know right away.

Please contact me at Office of the Attorney General, [REDACTED] if you have any questions. Thank you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:
To:

[REDACTED]

Subject: Notice of Public Records Request to the [REDACTED]
Date: Wednesday, February 5, 2020 1:12:45 PM
Attachments: [19-795 Request.pdf](#)

Dear Common Interest Agreement Signors –

Attached please find a copy of the public records request the Office of the Attorney General (AGO) received. This request seeks the following:

This is a public records request under the [REDACTED] Public Records Act. I am requesting the following:

- *All emails sent from staff members of the attorney general's office to anyone with an email address ending in [REDACTED] or [REDACTED]*
- *All emails sent from anyone with an email address ending in [REDACTED] or [REDACTED] to staff members of the attorney general's office*
- *Any attachments to responsive emails*
- *All text messages or similar instant messages (i.e. WhatsApp, GChat, etc.) between the Attorney General and [REDACTED], or between high-ranking aides of the Attorney General and high-ranking aides of [REDACTED]*

The time frame for my request is between June 1, 2019 and the date of the processing of this request.

Please note that certain exempted information that might be contained in the documents will be redacted. The AGO intends to release the documents in response to the public records request. Pursuant to [REDACTED], an agency may notify persons named in the record, or to whom the record pertains, of the request for disclosure. That section also provides that release of any specific public record may be enjoined by a person named in the record or to whom the record specifically pertains if the superior court finds that examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital government functions.

Therefore, the purpose of this letter is to notify you of the pending disclosure of the above-referenced documents, and give you an opportunity to seek to enjoin disclosure under [REDACTED]. Disclosure will occur after **February 20, 2020**, absent our receipt of the order enjoining disclosure under [REDACTED]. You must provide a copy of the signed order to this office prior to close of business on **February 20, 2020**. In addition, pursuant to the Supreme Court decision in [REDACTED], you must ensure that all necessary parties, which the court interpreted as

including the requester, have been joined in your action.

If there is an entity that should receive this notice, please let me know right away.

Please contact me at Office of the Attorney General, [REDACTED]

[REDACTED] if you have any questions. Thank you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:

[REDACTED]

[REDACTED]

Subject:

Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

Date:

Wednesday, April 15, 2020 5:57:57 PM

Attachments:

[REDACTED]

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

I hereby request copies of the following records: [REDACTED]
[REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 27, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:
To:

[REDACTED]

Subject: Notice - [REDACTED] Public Records Request Multistate Complaints/Petitions for Review
Date: Wednesday, March 18, 2020 3:18:15 PM
Attachments: [Multistate \[REDACTED\] Response List.xlsx](#)

Dear All,

[REDACTED] received a public records request for all complaints/petitions for review filed by Attorney General [REDACTED] (including matters [REDACTED] joined) against the federal government. In light of the numerous responsive matters and to save everyone's inbox from an influx of emails, I have attached a list of the matters that [REDACTED] intends to release. The highlighted rows are the environmental/energy multistate matters related to the work from our group. Again the request is for complaints/petitions for review only and no other information. Please let me know if anyone has any questions or concerns.

Sincerely,

[REDACTED]

CONFIDENTIALITY NOTICE The information contained in this communication from the Office of the [REDACTED] is privileged and confidential and is intended for

the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the [REDACTED] to arrange for the return of this information.

From:
To:

[REDACTED]

Cc:

Subject:

Notice of Public Records Request

Date:

Friday, March 20, 2020 7:56:22 AM

Attachments:

[REDACTED]

Dear All,

Pursuant to the attached Common Interest Agreement, I am notifying you on behalf of [REDACTED] Office of the Attorney General that our Office received a public records request (also attached) for the following information:

1. All electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) [REDACTED] [REDACTED] [REDACTED] and c) is dated from November 1, 2019 through the date you process this request, inclusive;
2. All electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, *infra*), including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) [REDACTED] [REDACTED] and c) is dated from November 4, 2019 through November 8, 2019, inclusive and November 17, 2019,
3. Any invitation sent or received from [REDACTED] to participate in a [REDACTED] telephone call.

At this point in time, we are still going through our internal review, but have not identified any documents responsive to this request that are not otherwise covered by the CIA. At the completion of our review and prior to any disclosure, we will notify you if we identify any documents that we intend to disclose. Please let me know if anyone has any questions or concerns.

[REDACTED]

[Working remotely due to COVID-19 emergency]

Assistant Attorney General

[REDACTED]

[REDACTED]

From:
To:

[REDACTED]

Cc:
Subject: Notice of Public Records Request
Date: Tuesday, March 31, 2020 9:53:27 AM
Attachments: [REDACTED]

Good morning,

Pursuant to several Common Interest Agreements our offices are party to, I am notifying you that the [REDACTED] AGO received a public records request (attached) for any Common Interest Agreement signed by myself [REDACTED] in 2016 or any subsequent year.

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

[REDACTED]

From:



Hi all,

[Redacted] received a public records request as well, attached. The request is specifically for emails with the phrase [Redacted]
[Redacted] We have an internal chain of emails with that phrase in the subject line discussing this group. I believe those emails are confidential and not subject to release under our state records law as attorney work product and pursuant to our common interest agreement. I will update the group if anything changes.

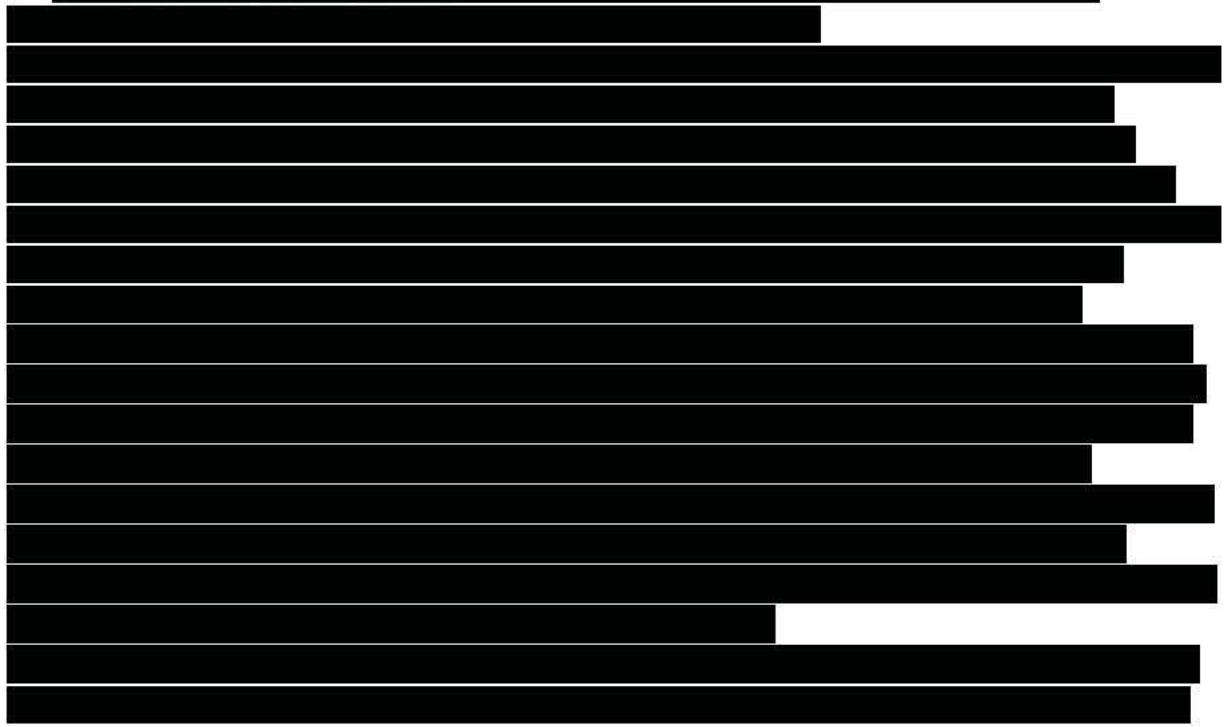


From:



Sent: Friday, April 17, 2020 4:08 PM

To:



[REDACTED]

[REDACTED] has received a request for [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] We have not yet determined whether there are responsive documents that must be disclosed.

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From:

[REDACTED]

Date:

Monday, April 20, 2020 3:06:00 PM

Attachments:

[image001.png](#)

Hi all,

FYI, [REDACTED] has received two more records requests from [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From:

[REDACTED]

Sent: Friday, April 17, 2020 8:01 AM

To:

[REDACTED]

[REDACTED]

Subject: Re: Common Interest Agreement Regarding [REDACTED]

To give everyone a heads up,

[REDACTED] has received a nearly identical request to the one received by [REDACTED] aimed at myself. We have also not yet determined if there is any correspondence that is responsive and required to be disclosed.

[REDACTED]

[REDACTED]



[REDACTED]

Confidential Information: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

[REDACTED]

Sent: Friday, April 17, 2020 9:56 AM

Subject: Re: Common Interest Agreement [REDACTED]

[REDACTED] has received a request for [REDACTED]

From: [REDACTED]

Sent: Friday, April 3, 2020 6:04 PM

To: [REDACTED]

[REDACTED]

[REDACTED]

Cc: [REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]
Records Request

Dear [REDACTED] and everyone,
[REDACTED] has received a similar but broader records request from [REDACTED],
requesting:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Counsel,

I write to notify you that the State of [REDACTED] has received a request under the [REDACTED] [REDACTED]
[REDACTED]:

[REDACTED]
[REDACTED]
[REDACTED]

We have determined that the Common Interest Agreement Regarding [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. We have not yet determined whether we are required to release the CIA in response to the request. If we decide to release the document, we will provide you advance notice.

I request that any party to the CIA who has released the CIA to a non-party, in response to a public records request or otherwise, advise me of such release as soon as possible. If the release was in redacted form, please also advise what was redacted.

I also request that any party who has received a similar request that remains pending advise me how it plans to respond to the request.

Thank you.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:

[REDACTED]

[REDACTED]

Subject:

Re: Common Interest Agreement Regarding [REDACTED]

Date:

Wednesday, April 22, 2020 2:30:16 PM

Attachments:

[Affirmative Climate CIA.pdf](#)

[REDACTED]

Hi all,

[REDACTED] received a public records request as well, attached.

It specifically requests:

[REDACTED]

[REDACTED]

There are likely emails responsive to this request that deal with the affirmative climate litigation, but they are confidential and not subject to release pursuant to the common interest agreement [REDACTED] joined on this topic, also attached.

Once we complete our review of the records, I will let you know what, if anything, [REDACTED] believes is responsive and subject to disclosure.

Please let me know if you have any questions. Thanks.

[REDACTED]

[REDACTED]

Sent: Tuesday, April 21, 2020 12:39 PM

To:

[REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]

Hi all,

[REDACTED] received a public records request as well, attached. The request is specifically for emails with the phrase [REDACTED]. We have an internal chain of emails with that phrase in the subject line discussing this group. I believe those emails are confidential and not subject to release under our state records law as attorney work product and pursuant to our common interest agreement. I will update the group if anything changes.

[REDACTED]

From: [REDACTED]

Sent: Friday, April 17, 2020 4:08 PM

To: [REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]

[REDACTED] has received essentially the same request as that which [REDACTED] reports below, but the request we received added a request for [REDACTED]

We have not yet determined whether there are responsive documents that must be disclosed.

[REDACTED]

[Redacted]

From: [Redacted]

Sent: Friday, April 17, 2020 6:57 AM

To: [Redacted]

[Redacted]

Subject: Re: Common Interest Agreement Regarding [Redacted]

[Redacted]

[Redacted] has received a request for [Redacted]



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[REDACTED]

Subject: Re: Common Interest Agreement Regarding [REDACTED]
Date: Friday, April 17, 2020 8:01:38 AM
Attachments: [image001.png](#)

To give everyone a heads up,

[REDACTED] has received a nearly identical request to the one received by [REDACTED] aimed at myself. We have also not yet determined if there is any correspondence that is responsive and required to be disclosed.

Best,

[REDACTED]

[REDACTED]

Confidential Information: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

From: [REDACTED]
Sent: Friday, April 17, 2020 9:56 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Subject: Re: Common Interest Agreement Regarding [REDACTED]

[REDACTED] has received a request for [REDACTED]

[REDACTED] We have not yet determined whether there are responsive documents that must be disclosed.

From: [REDACTED]

Sent: Friday, April 3, 2020 6:04 PM

To: [REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]

Dear [REDACTED] and everyone,
[REDACTED] has received a similar but broader records request from the same organization, requesting:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]
[REDACTED]

Counsel,

I write to notify you that the [REDACTED] has received a request under the [REDACTED]
[REDACTED] for:

[REDACTED]

We have determined that the Common Interest Agreement Regarding [REDACTED]
[REDACTED]
[REDACTED] ("CIA") is responsive to this

request. We have not yet determined whether we are required to release the CIA in response to the request. If we decide to release the document, we will provide you advance notice.

I request that any party to the CIA who has released the CIA to a non-party, in response to a public records request or otherwise, advise me of such release as soon as possible. If the release was in redacted form, please also advise what was redacted.

I also request that any party who has received a similar request that remains pending advise me how it plans to respond to the request.

Thank you.

[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From:

[REDACTED]

Subject:

RE: Common Interest Agreement Regarding [REDACTED]

Date:

Friday, April 17, 2020 2:09:15 PM

[REDACTED] has received essentially the same request as that which [REDACTED] reports below, but the request we received added a request for [REDACTED]

[REDACTED]

We have not yet determined whether there are responsive documents that must be disclosed.

[REDACTED]

[REDACTED]

[REDACTED]

Subject: Re: Common Interest Agreement Regarding [REDACTED]
Records Request

[REDACTED] has received a request for [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]" We have not yet determined whether there are responsive documents that must be disclosed.

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sender.

Dear [redacted] and everyone,
New Mexico has received [redacted]
[redacted]

[redacted]

[redacted]

Thanks,
Bill



William Grantham
Assistant Attorney General – Consumer & Environmental Protection
New Mexico Office of the Attorney General
201 Third St. N.W., Suite 300, Albuquerque NM, 87102
Office: 505.717.3520
Email: William.Grantham@nmsos.gov

From: [redacted]

Sent: Friday, April 3, 2020 8:40 AM

To: [redacted]

[redacted]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]
[REDACTED]

Counsel,

I write to notify you that the [REDACTED] has received a request under the [REDACTED] Public Records Act from [REDACTED] for:

[REDACTED]

We have determined that the Common Interest Agreement Regarding [REDACTED] [REDACTED] ("CIA") is responsive to this request. We have not yet determined whether we are required to release the CIA in response to the request. If we decide to release the document, we will provide you advance notice.

I request that any party to the CIA who has released the CIA to a non-party, in response to a public records request or otherwise, advise me of such release as soon as possible. If the release was in redacted form, please also advise what was redacted.

I also request that any party who has received a similar request that remains pending advise me how it plans to respond to the request.

Thank you.

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:

[REDACTED]

Subject:

Re: Common Interest Agreement Regarding [REDACTED] t

Date:

Friday, April 17, 2020 7:56:40 AM

Attachments:

[image001.png](#)

[REDACTED] has received a request for "all electronic correspondence, and any accompanying information (see discussion of SEC Data Delivery Standards, infra), including also any attachments, [REDACTED]

[REDACTED]

[REDACTED] We have not yet determined whether there are responsive documents that must be disclosed.

From:

[REDACTED]

Sent: Friday, April 3, 2020 6:04 PM

To:

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]

Dear [REDACTED] and everyone,
[REDACTED] has received a similar but broader records request from the same organization, requesting:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Friday, April 3, 2020 8:40 AM

To: [REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]
[REDACTED]

Counsel,

I write to notify you that the [REDACTED] has received a request under the [REDACTED]
[REDACTED]:

[REDACTED]

We have determined that the Common Interest Agreement Regarding [REDACTED]
[REDACTED]
[REDACTED] ("CIA") is responsive to this

request. We have not yet determined whether we are required to release the CIA in response to the request. If we decide to release the document, we will provide you advance notice.

I request that any party to the CIA who has released the CIA to a non-party, in response to a public records request or otherwise, advise me of such release as soon as possible. If the release was in

redacted form, please also advise what was redacted.

I also request that any party who has received a similar request that remains pending advise me how it plans to respond to the request.

Thank you.

[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From:

[Redacted]

[Redacted]

Subject:

Re: Common Interest Agreement

Date:

Wednesday, April 22, 2020 3:07:26 PM

Regarding the latest spate of public records requests, it may be worthwhile to share who is making making the request to assess whether they're coming from a common source or concerted effort? If so, we should consider next steps?

Get [Outlook for iOS](#)

From:

[Redacted]

Sent: Wednesday, April 22, 2020 4:30:10 PM

To:

[Redacted]

[REDACTED]

Subject: Re: Common Interest Agreement Regarding [REDACTED]
[REDACTED]

Hi all,

[REDACTED] received a public records request as well, attached.

It specifically requests:

[REDACTED]

[REDACTED]

There are likely emails responsive to this request that deal with [REDACTED] but they are confidential and not subject to release pursuant to the common interest agreement [REDACTED] joined on this topic, also attached.

Once we complete our review of the records, I will let you know what, if anything, [REDACTED] believes is responsive and subject to disclosure.

Please let me know if you have any questions. Thanks.

Jake

From: [REDACTED]

Sent: Tuesday, April 21, 2020 12:39 PM

To: [REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]
[REDACTED]

Hi all,

[REDACTED] received a public records request as well, attached. The request is specifically for emails with the phrase [REDACTED]. We have an internal chain of emails with that phrase in the subject line discussing this group. I believe those emails are confidential and not subject to release under our state records law as attorney work product and pursuant to our common interest agreement. I will update the group if anything changes.

[REDACTED]

From: [REDACTED]
Sent: Friday, April 17, 2020 4:08 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Subject: RE: Common Interest Agreement Regarding [REDACTED]
[REDACTED]

[REDACTED] has received essentially the same request as that which [REDACTED] reports below, but the request we received added a request for [REDACTED]

[REDACTED]

We have not yet determined whether there are responsive documents that must be disclosed.

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Friday, April 17, 2020 6:57 AM

To: [REDACTED]

[REDACTED]

Subject: Re: Common Interest Agreement Regarding [REDACTED]

[REDACTED]

[REDACTED] has received a request for [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] We have not yet determined whether there are responsive documents that must be disclosed.

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From:
To:

[REDACTED]

Subject: RE: Notice of Public Records Request - CIAs
Date: Monday, April 6, 2020 12:26:05 PM
Attachments: [image001.png](#)

Hi all –

[REDACTED] received a similarly broad request from [REDACTED] for:

“any common interest agreements entered into by the Office of the Attorney General and

[REDACTED].”

We are currently reviewing and have not yet decided how it will be handled. We will provide advanced notice if any documents will be provided. We, too, would like to hear how other states will be handling these and the bases for those decisions. While we recognize States will have different statutory obligations, coordination as a group might be beneficial here.

Thank you.

[REDACTED]

[REDACTED]

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From: [REDACTED]

Sent: Monday, April 06, 2020 9:15 AM

To: [REDACTED];

[REDACTED]

[REDACTED]

Subject: RE: Notice of Public Records Request - CIAs

[External email: Use caution with links and attachments]

Hi everyone,

[REDACTED] received a public records request at roughly the same time but directly seeking communications between myself and [REDACTED]

[REDACTED] You may be receiving similar requests as well.

[REDACTED]

From: [REDACTED]

Sent: Friday, April 3, 2020 6:50 PM

To: [REDACTED]

[REDACTED]

[Redacted]

Cc: [Redacted]

Subject: Notice of Public Records Request - CIAs

Colleagues -

Like several of you, we have received a broad public records request for common interest agreements. [Redacted] initially requested [Redacted] and then narrowed the request to apply only to CIAs entered into by [Redacted]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

Meanwhile, we would be interested in knowing, in cases where any of you have NOT produced CIA's in response to such a public records request, how much information – if any – *describing* the withheld CIAs you have produced.

Have good weends!

[Redacted]

From: [Redacted]

Sent: Tuesday, March 31, 2020 8:53 AM

To: [Redacted]

[REDACTED]

[REDACTED]

Subject: Notice of Public Records Request

Good morning,

Pursuant to several Common Interest Agreements our offices are party to, I am notifying you that the [REDACTED] AGO received a public records request (attached) for any Common Interest Agreement signed by myself [REDACTED]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

[REDACTED]

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From:
To:

[Redacted]

Cc:
Subject: RE: Notice of Public Records Request - CIAs
Date: Monday, April 6, 2020 7:14:55 AM

Hi everyone,

[Redacted] received a public records request at roughly the same time but directly seeking communications between myself and [Redacted]

[Redacted] You may be receiving similar requests as well.

[Redacted]

From: [Redacted]
Sent: Friday, April 3, 2020 6:50 PM
To: [Redacted]

[Redacted]

[REDACTED]

[REDACTED]

Like several of you, we have received a broad public records request for common interest agreements. [REDACTED] initially requested “any common interest agreement entered into by the Department of Justice at any time in 2017 through 2020, inclusive,” and then narrowed the request to apply only to CIAs entered into by our Natural Resources Section during that period. We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions. Meanwhile, we would be interested in knowing, in cases where any of you have NOT produced CIA’s in response to such a public records request, how much information – if any – *describing* the withheld CIAs you have produced.

Have good weeends!

[REDACTED]

From: [REDACTED]

Sent: Tuesday, March 31, 2020 8:53 AM

To: [REDACTED]

[Redacted]

Cc: [Redacted]

Subject: Notice of Public Records Request

Good morning,

Pursuant to several Common Interest Agreements our offices are party to, I am notifying you that the [Redacted] AGO received a public records request (attached) for any Common Interest Agreement signed by [Redacted]

[Redacted]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.



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From:

█

[REDACTED]

Subject:

Re: Notice of Public Records Request - CIAs

Date:

Friday, April 17, 2020 8:06:52 AM

Attachments:

█

█ has received the following requests from █

1. A request for █
█
█
█
█
█
█
█
2. A request for █
█
█
█
█
█
█
█
█
3. A request for █
█
█
█

We have not yet determined what records, if any, are responsive and must be disclosed.

From: [REDACTED]

Sent: Wednesday, April 8, 2020 5:18 PM

To: [REDACTED]

[REDACTED]

[REDACTED]

Subject: Re: Notice of Public Records Request - CIAs

Hey all,

[REDACTED] received a similar public records request from [REDACTED] for:

[REDACTED]

We are currently reviewing and have not decided yet how it will be handled. My initial interpretation of the request is that they are only seeking electronic communications on those dates for our [REDACTED] I don't believe we have a common interest agreement (CIAs) for those calls; they are more general and the CIAs are executed for break-

[REDACTED]

Subject: [REDACTED] RE: Notice of Public Records Request - CIAs

Hi all –

[REDACTED] received a similarly broad request from the [REDACTED] for:

[REDACTED]

[REDACTED]

[Redacted]

Cc: [Redacted]

Subject: RE: Notice of Public Records Request - CIAs

[External email: Use caution with links and attachments]

Hi everyone,

[Redacted] received a public records request at roughly the same time but directly seeking communications between myself and [Redacted]

[Redacted]

You may be receiving similar requests as well.

[Redacted]

From: [Redacted]

Sent: Friday, April 3, 2020 6:50 PM

To: [Redacted]

[Redacted]

[REDACTED]

Subject: Notice of Public Records Request - CIAs

Colleagues -

Like several of you, we have received a broad public records request for common interest agreements. [REDACTED] initially requested '[REDACTED]' and then narrowed the request to apply only to CIAs entered into by [REDACTED]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

Meanwhile, we would be interested in knowing, in cases where any of you have NOT produced CIA's in response to such a public records request, how much information – if any – *describing* the withheld CIAs you have produced.

Have good weends!

[Redacted text block]

[Redacted text block]

[REDACTED]

Subject: Notice of Public Records Request

Good morning,

Pursuant to several Common Interest Agreements our offices are party to, I am notifying you that the [REDACTED] AGO received a public records request (attached) for any Common Interest Agreement signed by myself [REDACTED]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

[REDACTED]

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keep the contents confidential, and immediately delete the message and any attachments from your system.

From:
To:

[REDACTED]

Subject: Re: Notice of Public Records Request - CIAs
Date: Wednesday, April 8, 2020 3:18:56 PM
Attachments: [Outlook-clztpx2b.png](#)

Hey all,

[REDACTED] received a similar public records request from [REDACTED] for:

[REDACTED]

We are currently reviewing and have not decided yet how it will be handled. My initial interpretation of the request is that they are only seeking electronic communications on those dates for our [REDACTED]. I don't believe we have a common interest agreement (CIAs) for those calls; they are more general and the CIAs are executed for break-out groups on specific issues from the larger group. Therefore, unless the contents of the emails for the multi-state coordination calls were covered by a CIA on a specific issue, those emails would be public records, subject to disclosure.

We will provide advance notice of any documents that would be disclosed, and I would welcome any thoughts about the above analysis on the multi-state coordination emails.

[REDACTED]

Subject: [Please request sender use [REDACTED] RE: Notice of Public Records Request - CIAs

Hi all –

[REDACTED] received a similarly broad request from the [REDACTED] for:

[REDACTED]

We are currently reviewing and have not yet decided how it will be handled. We will provide advanced notice if any documents will be provided. We, too, would like to hear how other states will be handling these and the bases for those decisions. While we recognize States will have different statutory obligations, coordination as a group might be beneficial here.

Thank you.

[REDACTED]

Subject: RE: Notice of Public Records Request - CIAs

[External email: Use caution with links and attachments]

Hi everyone,

[REDACTED] received a public records request at roughly the same time but directly seeking communications [REDACTED]

[REDACTED] You may be receiving similar requests as well.

From: [REDACTED]

Sent: Friday, April 3, 2020 6:50 PM

To: [REDACTED]

[REDACTED]

[Redacted]

Cc: [Redacted]

Subject: Notice of Public Records Request - CIAs

Colleagues -

Like several of you, we have received a broad public records request for common interest agreements. [Redacted] initially requested [Redacted] and then narrowed the request to apply only to CIAs entered into by [Redacted].

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

Meanwhile, we would be interested in knowing, in cases where any of you have NOT produced CIA's in response to such a public records request, how much information – if any – *describing* the withheld CIAs you have produced.

Have good weeends!

[Redacted]

[Redacted]

From: [Redacted]

Sent: Tuesday, March 31, 2020 8:53 AM

To: [Redacted]

[Redacted]

[REDACTED]

Cc: [REDACTED]

Subject: Notice of Public Records Request

Good morning,

Pursuant to several Common Interest Agreements our offices are party to, I am notifying you that the [REDACTED] AGO received a public records request (attached) for any Common Interest Agreement signed by [REDACTED]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

[REDACTED]

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From: [REDACTED]

[REDACTED]

Subject:

Re: Notice of Public Records Request - CIAs

Date:

Friday, April 24, 2020 9:35:54 AM

Attachments:

[REDACTED]

Hello all,

Following up on my email below, [REDACTED] has completed its review of the records responsive to this request (see attached records request). We have identified several email chains and calendar invites that were responsive and not confidential, and therefore, subject to disclosure. However, we have redacted the [REDACTED]

Please see the attached, redacted records that will be provided in response to the public records request. I don't have a date certain yet on when they will be provided, but I wanted to give everyone a head's up.

Also, I know there has been some discussion about coordinating or discussing next steps in response to the multitude of public records requests from the same entity; please let me know if you want [REDACTED] to hold off on producing the attached records until we have additional discussions on coordination.

Please let me know if you have any questions or comments. Thanks.

[REDACTED]

From: [REDACTED]

Sent: Wednesday, April 8, 2020 4:18 PM

To:

[Redacted content]

[REDACTED]

Subject: Re: Notice of Public Records Request - CIAs

Hey all,

[REDACTED] received a similar public records request from [REDACTED] for:

[REDACTED]

We are currently reviewing and have not decided yet how it will be handled. My initial interpretation of the request is that they are only seeking electronic communications on those dates for our "Multistate AG Coordination Call." I don't believe we have a common interest agreement (CIAs) for those calls; they are more general and the CIAs are executed for break-out groups on specific issues from the larger group. Therefore, unless the contents of the

emails for the multi-state coordination calls were covered by a CIA on a specific issue, those emails would be public records, subject to disclosure.

We will provide advance notice of any documents that would be disclosed, and I would welcome any thoughts about the above analysis on the multi-state coordination emails.

Please let me know if you have any questions. Thanks.

From: [REDACTED]

Sent: Monday, April 6, 2020 1:23 PM

To: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] RE: Notice of Public Records Request - CIAs

Hi all –

[REDACTED] received a similarly broad request from the [REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

Cc: [Redacted]

Subject: RE: Notice of Public Records Request - CIAs

[External email: Use caution with links and attachments]

Hi everyone,

[Redacted] received a public records request at roughly the same time but directly seeking communications between myself [Redacted]

[Redacted] You may be receiving similar requests as well.

[Redacted]

From: [Redacted]

Sent: Friday, April 3, 2020 6:50 PM

To: [Redacted]

[Redacted]

[REDACTED]

Subject: Notice of Public Records Request - CIAs

Colleagues -

Like several of you, we have received a broad public records request for common interest agreements. [REDACTED] and then narrowed the request to apply only to CIAs entered into by [REDACTED]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

Meanwhile, we would be interested in knowing, in cases where any of you have NOT produced CIA's in response to such a public records request, how much information – if any – *describing* the withheld CIAs you have produced.

Have good weends!

[REDACTED]

[REDACTED]

[REDACTED]

Subject: Notice of Public Records Request

Good morning,

Pursuant to several Common Interest Agreements our offices are party to, I am notifying you that the [REDACTED] AGO received a public records request (attached) for any Common Interest Agreement signed by myself [REDACTED]

We are currently reviewing this request and will notify you before we disclose any responsive records. Please let me know if you have any questions.

[REDACTED]

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system.

From:

[REDACTED]

Subject:

RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

Date:

Wednesday, April 22, 2020 12:45:48 PM

Great! Totally my fault – as the keeper of the group and the brief I was the one in position to know. I'm glad that is your practice, it makes sense to me.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From:

[REDACTED]

Sent: Wednesday, April 22, 2020 11:43 AM

To:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

[REDACTED]

We have redacted non-joining states on other CIAs, so that was an oversight on my part. I will adjust the redactions to redact their information from the CIA that is released. Thank you for bringing that to my attention!

I will note my records for the switch in [REDACTED] representation.

Attached is a version with revised redactions to redact the names of those states.

From:

[REDACTED]

Sent: Wednesday, April 22, 2020 10:59 AM

To:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

Subject: RE: Notice of Public Records Request to the [Redacted] AGO [Redacted]
[Redacted]

[Redacted] – sorry for the very belated notice - with respect to this one it occurs to me that although
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From: [Redacted]
Sent: Thursday, April 9, 2020 2:07 PM
To: [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
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[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Subject: RE: Notice of Public Records Request to the [Redacted] AGO [Redacted]
[Redacted]

It was brought to my attention there is a more complete and recent version of the CIA. Attached is a redacted version of the more recent CIA that will be released.

[Redacted]
[Redacted]
[Redacted]

[Redacted]

From: [Redacted]
Sent: Wednesday, April 8, 2020 4:23 PM
To: [Redacted]

[Redacted]

Subject: Notice of Public Records Request to the [Redacted] AGO [Redacted]
[Redacted]

Dear Common Interest Agreement Signors –

This is to notify you that [Redacted] has received a public records request for the following:

[Redacted]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [Redacted] law, [Redacted] you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please

let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: [Rose-Johnston, Tanya M \(ATG\)](#)

To: [REDACTED]

We have redacted [REDACTED], so that was an oversight on my part. I will adjust the redactions to redact their information from the CIA that is released. Thank you for bringing that to my attention!

I will note my records for the switch in [REDACTED] representation.

Attached is a version with revised redactions to redact the names of those states.

From: [REDACTED]

Sent: Wednesday, April 22, 2020 10:59 AM

To: [REDACTED]

Tanya – sorry for the very belated notice - with respect to this one it occurs to me that although

[REDACTED]

[REDACTED]

[REDACTED]

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

[REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

*****CONFIDENTIALITY NOTICE*****

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From:

[REDACTED]

[REDACTED]

[REDACTED]

Date:

Wednesday, April 22, 2020 11:59:31 AM

[REDACTED] – sorry for the very belated notice - with respect to this one it occurs to me that although

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

[REDACTED]

It was brought to my attention there is a more complete and recent version of the CIA. Attached is a redacted version of the more recent CIA that will be released.

[REDACTED]

[Redacted]

From: [Redacted]
Sent: Wednesday, April 8, 2020 4:23 PM

[Redacted]

Subject: Notice of Public Records Request to the WA AGO (PRR-2020-0169) - Amicus brief re: Cap and Trade CIA

Dear Common Interest Agreement Signors –

This is to notify you that [Redacted] has received a public records request for the following:

[Redacted]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [Redacted] law, [Redacted], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

[Redacted]

Subject: RE: Notice of Public Records Request to the [Redacted] AGO [Redacted]

Everyone,

I am writing to notify you all that [Redacted] has received a similar request and must disclose the same agreement. Unfortunately, under [Redacted] of Information Act, I do not believe that we can defensibly redact as much material as [Redacted] has proposed to redact. I have prepared a redacted version that I will disclose to all of you as soon as I have confirmation from my management (possibly today but more likely Monday). I wanted to notify you all so that you will be prepared to comment on [Redacted] proposed redactions, and in the event that [Redacted] disclosure of a less heavily redacted version affects [Redacted] disclosure.

Thank you,

[Redacted]

From: [Redacted]

Sent: Wednesday, April 8, 2020 6:01 PM

To: [Redacted]

[Redacted]

[Redacted]

Dear Common Interest Agreement Signors –

This is to notify you that [Redacted] has received a public records request for the following:

[Redacted]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [Redacted] law, [Redacted], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you

[Redacted]

From:
To:

[REDACTED]

Subject:
Date:

RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED] CIA
Friday, April 10, 2020 2:09:51 PM

Everyone,

I am writing to notify you all that [REDACTED] has received a similar request and must disclose the same agreement. Unfortunately, under [REDACTED], I do not believe that we can defensibly redact as much material as [REDACTED] has proposed to redact. I have prepared a redacted version that I will disclose to all of you as soon as I have confirmation from my management (possibly today but more likely Monday). I wanted to notify you all so that you will be prepared to comment on [REDACTED] proposed redactions, and in the event that [REDACTED] disclosure of a less heavily redacted version affects [REDACTED] disclosure.

Thank you,

[REDACTED]

From:

[REDACTED]

Sent: Wednesday, April 8, 2020 6:01 PM

To:

[REDACTED]

Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED] CIA

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

I hereby request copies of the following records: [REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED] you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This is to notify you that [REDACTED] has received a public records request for the following:

[REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:
To:

[REDACTED]

Subject: RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]
Date: Wednesday, February 5, 2020 1:14:20 PM

My apologies this should have referenced - [REDACTED].

From:

[REDACTED]

Sent: Wednesday, February 5, 2020 12:13 PM

To:

[REDACTED]

Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

[REDACTED]

Dear Common Interest Agreement Signors –

Attached please find a copy of the public records request the Office of the Attorney General (AGO) received. This request seeks the following:

This is a public records request under the [REDACTED] Public Records Act. I am requesting the following:

- *All emails sent from staff members of the attorney general's office to anyone with an email address ending in [REDACTED] or [REDACTED]*
- *All emails sent from anyone with an email address ending in [REDACTED] or [REDACTED] to staff members of the attorney general's office*
- *Any attachments to responsive emails*
- *All text messages or similar instant messages (i.e. WhatsApp, GChat, etc.) between the Attorney General and [REDACTED]*

The time frame for my request is between June 1, 2019 and the date of the processing of this request.

Please note that certain exempted information that might be contained in the documents will be redacted. The AGO intends to release the documents in response to the public records request. Pursuant to [REDACTED], an agency may notify persons named in the record, or to whom the record pertains, of the request for disclosure. That section also provides that release of any specific public record may be enjoined by a person named in the record or to whom the record specifically pertains if the superior court finds that examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital government functions.

Therefore, the purpose of this letter is to notify you of the pending disclosure of the above-referenced documents, and give you an opportunity to seek to enjoin disclosure under [REDACTED]. Disclosure will occur after **February 20, 2020**, absent our receipt of the order enjoining disclosure under [REDACTED]. You must provide a copy of the signed order to this office prior to close of business on **February 20, 2020**. In addition, pursuant to the Supreme Court decision in [REDACTED] you must ensure that all necessary parties, which the court interpreted as including the requester, have been joined in your action.

If there is an entity that should receive this notice, please let me know right away.

Please contact me at Office of the Attorney General, [REDACTED], if you have any questions. Thank you.

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

From:

[REDACTED]

Subject:

RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

Date:

Wednesday, April 22, 2020 1:06:00 PM

Thanks [REDACTED] and thanks [REDACTED] for catching that. [REDACTED] appreciates being redacted.

From:

Sent: Wednesday, April 22, 2020 12:43 PM

To:

Subject: RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

We have redacted non-joining states on other CIAs, so that was an oversight on my part. I will adjust the redactions to redact their information from the CIA that is released. Thank you for bringing that to my attention!

I will note my records for the switch in [REDACTED] representation.

Attached is a version with revised redactions to redact the names of those states.

From:

Sent: Wednesday, April 22, 2020 10:59 AM

To:

Subject: RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

[REDACTED] - sorry for the very belated notice - with respect to this one it occurs to me that although

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Thursday, April 9, 2020 2:07 PM

To: [REDACTED]

Subject: RE: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]

It was brought to my attention there is a more complete and recent version of the CIA. Attached is a redacted version of the more recent CIA that will be released.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, April 8, 2020 4:23 PM
To: [REDACTED]

[REDACTED]

Subject: Notice of Public Records Request to the [REDACTED] AGO [REDACTED]
[REDACTED]

Dear Common Interest Agreement Signors –

This is to notify you that [REDACTED] has received a public records request for the following:

[REDACTED]

In response to this request, we intend to release the attached redacted version of the CIA as attorney work product (the redactions appear in red outline over the text, to see the blackout version hover over the redacted area).

Under [REDACTED] law, [REDACTED], you have the opportunity to seek a court order to prevent disclosure. Unless we receive such an order before April 24, we will release the redacted document on that date.

If there is an entity that should receive this notice that is not included in this email, please let me know right away.

Please contact me if you have any questions. Thank you.

[REDACTED]

[REDACTED]

*****CONFIDENTIALITY NOTICE*****

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■

[Redacted]

Subject: RE: Notice of Public Records Request
Date: Tuesday, April 21, 2020 11:33:46 AM
Attachments: [image001.png](#)
[Hardin PRA Request 33993182.pdf](#)

All,

■ also received a similar PRA request from ■ (attached). Specifically the request asks for:

1. ■
■
■
■
■
■

■
■
■
■
■
■

■
■

■
■
■

■ are finalizing our internal review, and at this point have not identified any documents responsive to this request that are not otherwise covered by some privilege or is exempt from disclosure under ■ law. At the completion of our review, and prior to any disclosure, we will notify you if we identify any documents that we intend to disclose.

Kind regards,

■

[REDACTED]

Subject: RE: Notice of Public Records Request

Dear [REDACTED] and all,

[REDACTED] received a similar public records request from the same organization, attached. The requested records are as follows:

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

To date we have located one record responsive to request #2, [Redacted]
[Redacted] I do not believe there is any privileged attached to this message and therefore believe it must be released. Please let me know if you have any objections, as soon as possible.

Thanks,
Bill

[Redacted]

From: [Redacted]

Sent: Friday, March 20, 2020 7:56 AM

To: [Redacted]

[Redacted]

[REDACTED]

Subject: Notice of Public Records Request

Dear All,

Pursuant to the attached Common Interest Agreement, I am notifying you on behalf of the [REDACTED] that our Office received a public records request (also attached) for the following information:

1. [REDACTED]

At this point in time, we are still going through our internal review, but have not identified any documents responsive to this request that are not otherwise covered by the CIA. At the completion of our review and prior to any disclosure, we will notify you if we identify any documents that we intend to disclose. Please let me know if anyone has any questions or concerns.

[REDACTED]

[REDACTED]

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From:

[REDACTED]

[REDACTED]

Date:

Tuesday, April 21, 2020 11:48:12 AM

Counsel,

I write to notify you, pursuant to Paragraph 8 of the Common Interest Agreement Regarding the

[REDACTED]

[REDACTED]

We have identified one document responsive to this request, which we have determined we are required to provide to the requestor. The document is an email from [REDACTED]

[REDACTED]

[REDACTED] It contains no other substantive information. We plan to redact the call in numbers and access code before providing the document to the requestor.

If you object to disclosure of this document, please let me know as soon as possible, and in no event later than April 29, 2020.

Thank you.

[REDACTED]

[REDACTED]



Neal Cornett <ncornettlaw@gmail.com>

Clarification

1 message

Neal Cornett <ncornettlaw@gmail.com>
To: Patricia Salazar <PSalazar@nmag.gov>

Fri, May 29, 2020 at 4:45 PM

Ms. Salazar:

I have reviewed some responses to my client's recent IPRA requests and I need clarification. The four requests (attached with the response letters) have all had a final response and each response, with the exception of the response to the April 28, 2020 request, all state that enclosed records are "responsive to [the] request and available for inspection." The April 28, 2020 letter notes some portions were partially redacted.

Does this mean that there were some number of records that were withheld in full for all of the requests? If so, could you please provide a description/amount of any records withheld as well as the exemptions relied upon to withhold?

As a point of clarification, I will note that the attached response to the April 7, 2020 request is not the final response, but an April 22, 2020 response. The final response to that request dated May 7, 2020 states no additional records were found.

Thank you for your assistance on this and if you have any questions, don't hesitate to ask.

Sincerely,
Neal Cornett
Attorney at Law

--

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8 attachments









-  **NM OAG Coordination and GHG Request copy (1).pdf**
117K
-  **NM OAG Multistate Coordination Request copy (1).pdf**
113K
-  **NM OAG Complaint Notice Request copy (1).pdf**
117K
-  **2020 05 28 Matthew D. Hardin 6 - production & partial denail Letter (1).pdf**
445K
-  **2020 04 27 Matthew D. Hardin 4 - Production Letter (2).pdf**
440K
-  **NM OAG Bachmann Request copy (1).pdf**
119K
-  **2020 04 22 Matthew D. Hardin 3 - Production and Burdesnome Letter (1).pdf**
345K
-  **2020 05 22 Matthew D. Hardin - Production Letter (1).pdf**
450K

EXHIBIT 30



Neal Cornett <ncornettlaw@gmail.com>

Re: Clarification

1 message

Neal Cornett <ncornettlaw@gmail.com>
To: Patricia Salazar <PSalazar@nmag.gov>

Mon, Jun 1, 2020 at 3:36 PM

Ms. Salazar:

I hope you're well. In response to your May 29, 2020 letters, I have a couple of additional items to address.

First and similar to my prior questions, does the response to the April 17, 2020 request mean that there were some records that were withheld?

Second, EPA would like to narrow the April 1, 2020 request to cover only agreements signed by Mr. Grantham, Mr. Lundin, and Ms. Minard and keeping the same time frame. EPA understands that Mr. Lundin and Ms. Minard were not employed with the Office of the Attorney General for the same period of time as Mr. Grantham, so please consider the search for any agreements signed by either to be limited only to the time they were serving in the Office of the Attorney General.

Thank you for your time and assistance and if you have any questions, please let me know.

Sincerely,
Neal Cornett

On Fri, May 29, 2020 at 4:45 PM Neal Cornett <ncornettlaw@gmail.com> wrote:

Ms. Salazar:

I have reviewed some responses to my client's recent IPRA requests and I need clarification. The four requests (attached with the response letters) have all had a final response and each response, with the exception of the response to the April 28, 2020 request, all state that enclosed records are "responsive to [the] request and available for inspection." The April 28, 2020 letter notes some portions were partially redacted.

Does this mean that there were some number of records that were withheld in full for all of the requests? If so, could you please provide a description/amount of any records withheld as well as the exemptions relied upon to withhold?

As a point of clarification, I will note that the attached response to the April 7, 2020 request is not the final response, but an April 22, 2020 response. The final response to that request dated May 7, 2020 states no additional records were found.

Thank you for your assistance on this and if you have any questions, don't hesitate to ask.

Sincerely,
Neal Cornett
Attorney at Law

--

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The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.

EXHIBIT 31



Neal Cornett <ncornettlaw@gmail.com>

Re: Clarification

1 message

Salazar, Patricia <PSalazar@nmag.gov>
To: Neal Cornett <ncornettlaw@gmail.com>

Tue, Jun 2, 2020 at 12:52 AM

Thank you for your response. I am looking into this matter. Thank you again for your time.

On Fri, May 29, 2020, 2:45 PM Neal Cornett <ncornettlaw@gmail.com> wrote:

Ms. Salazar:

I have reviewed some responses to my client's recent IPRA requests and I need clarification. The four requests (attached with the response letters) have all had a final response and each response, with the exception of the response to the April 28, 2020 request, all state that enclosed records are "responsive to [the] request and available for inspection." The April 28, 2020 letter notes some portions were partially redacted.

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As a point of clarification, I will note that the attached response to the April 7, 2020 request is not the final response, but an April 22, 2020 response. The final response to that request dated May 7, 2020 states no additional records were found.

Thank you for your assistance on this and if you have any questions, don't hesitate to ask.

Sincerely,
Neal Cornett
Attorney at Law

--

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EXHIBIT 32



Neal Cornett <ncornettlaw@gmail.com>

Re: Clarification

1 message

Neal Cornett <ncornettlaw@gmail.com>
To: Patricia Salazar <PSalazar@nmag.gov>

Fri, Jun 5, 2020 at 4:43 PM

Ms. Salazar:

I wanted to check in again on the final responses and confirm you received the prior email on narrowing the agreement request to Mr. Grantham, Mr. Lundin, and Ms. Minard.

Thank you for your help and enjoy your weekend.

Sincerely,
Neal Cornett

On Mon, Jun 1, 2020 at 3:36 PM Neal Cornett <ncornettlaw@gmail.com> wrote:

Ms. Salazar:

I hope you're well. In response to your May 29, 2020 letters, I have a couple of additional items to address.

First and similar to my prior questions, does the response to the April 17, 2020 request mean that there were some records that were withheld?

Second, EPA would like to narrow the April 1, 2020 request to cover only agreements signed by Mr. Grantham, Mr. Lundin, and Ms. Minard and keeping the same time frame. EPA understands that Mr. Lundin and Ms. Minard were not employed with the Office of the Attorney General for the same period of time as Mr. Grantham, so please consider the search for any agreements signed by either to be limited only to the time they were serving in the Office of the Attorney General.

Thank you for your time and assistance and if you have any questions, please let me know.

Sincerely,
Neal Cornett

On Fri, May 29, 2020 at 4:45 PM Neal Cornett <ncornettlaw@gmail.com> wrote:

Ms. Salazar:

I have reviewed some responses to my client's recent IPRA requests and I need clarification. The four requests (attached with the response letters) have all had a final response and each response, with the exception of the response to the April 28, 2020 request, all state that enclosed records are "responsive to [the] request and available for inspection." The April 28, 2020 letter notes some portions were partially redacted.

Does this mean that there were some number of records that were withheld in full for all of the requests? If so, could you please provide a description/amount of any records withheld as well as the exemptions relied upon to withhold?

As a point of clarification, I will note that the attached response to the April 7, 2020 request is not the final response, but an April 22, 2020 response. The final response to that request dated May 7, 2020 states no additional records were found.

Thank you for your assistance on this and if you have any questions, don't hesitate to ask.

Sincerely,
Neal Cornett
Attorney at Law

EXHIBIT 33

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