

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
Case Type: Other Civil

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Energy Policy Advocates,

Plaintiff,

v.

**COMPLAINT**Keith Ellison, in his official capacity  
as Attorney General, Office of the  
Attorney General,Defendant.

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Plaintiff Energy Policy Advocates (hereinafter Plaintiff or “EPA”), by and through undersigned counsel, files this Complaint against Defendant, Attorney General Keith Ellison, in his official capacity, and the Minnesota Office of the Attorney General (hereinafter “OAG”), pursuant to Minn. Stat. § 13.08. EPA is seeking the release of improperly withheld government data under the Minnesota Government Data Practices Act (“MGDPA”), Minn. Stat. § 13. Plaintiff states and alleges as follows:

### **INTRODUCTION**

1. In 2017, Bloomberg Philanthropies, a charity organized by “climate” activist Michael Bloomberg, contributed \$5.6 million to create a State Energy & Environmental Impact Center providing legal support, privately-funded lawyers, and public relations support to state attorneys general for the purpose of advancing lawsuits related to environmental and climate change litigation (the “Bloomberg NYU Program” or “SEEIC”).<sup>1</sup> Mr. Bloomberg housed this effort at

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<sup>1</sup> See, e.g., “the new Bloomberg-supported State Energy and Environmental Impact Center”, November 14, 2017 10:57 AM email from Christopher Moyer to OAG’s Michael Kelly, Subject: Introduction, and also, e.g., the news report that this project is “financed by Michael Bloomberg”, Juliet Eilperin, “NYU Law launches new center to help

the New York University School of Law.

2. The Bloomberg Center offered to pay the salary and benefits of Special Assistant Attorneys General (“SAAG”) that it would hire for placement for two-year terms in attorneys general offices that agreed to use the SAAG position and their own offices to “advanc[e] progressive clean energy, climate change, and environmental legal positions,” in the words of the Bloomberg Center’s Director<sup>2</sup> or, as put by the Virginia Office of Attorney General, “to advance the agenda represented by” Bloomberg’s group.<sup>3</sup>

3. Interested attorneys general were invited to submit an application outlining, among other things, “needs within their offices related to the advancement and defense of progressive clean energy, climate change, and environmental matters,” and a demonstrated “commitment to and acute need for additional support on clean energy, climate change, and environmental issues of regional or national importance, such as those matters that cross jurisdictional boundaries or raise legal questions or conflicts that have nationwide applicability.”

4. On March 15, 2019, AG Ellison submitted such an application seeking these private resources. That application cited a desire to do more in certain areas of known public interest to Mr. Bloomberg and his SEEIC. Among the issues AG Ellison emphasized for possible greater focus, if only the OAG had more resources than the legislature appropriated for him, was “multistate initiatives...including...supporting state-led efforts to investigate Exxon Mobil [sic] . . . .Through participation in NYU’s Program, and the appointment of one or more SAAG(s), I

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state AGs fight environmental rollbacks,” *Washington Post*, August 16, 2017, [https://www.washingtonpost.com/politics/nyu-law-launches-new-center-to-help-state-ags-fight-environmental-rollbacks/2017/08/16/e4df8494-82ac-11e7-902a-2a9f2d808496\\_story.html?utm\\_term=.fd5d7fd9a8b8](https://www.washingtonpost.com/politics/nyu-law-launches-new-center-to-help-state-ags-fight-environmental-rollbacks/2017/08/16/e4df8494-82ac-11e7-902a-2a9f2d808496_story.html?utm_term=.fd5d7fd9a8b8). The Bloomberg Center scrubbed its website of references to Bloomberg after attention similar to the instant matter though those remain available on the Internet’s Wayback Machine, <https://web.archive.org>.

<sup>2</sup><https://climatelitigationwatch.org/wp-content/uploads/2018/08/FN-3-Organic-NYU-Hayes-email-to-OAGs-copy.pdf>

<sup>3</sup><https://climatelitigationwatch.org/virginia-ag-office-promises-to-advance-the-agenda-represented-by-bloomberg-activist-group/>

hope the Office can expand its role in the federal multistate arena”. AG Ellison suggested OAG’s SAAG(s) be paid by the Bloomberg Center between \$96,000 and \$130,000 per year.

5. OAG then accepted two SEEIC SAAGs, Peter Surdo and Leigh Currie.

6. Upon information and belief, Mr. Surdo joined OAG in May 2019, under a “Secondment Agreement” dated May 24, 2019.

7. Upon information and belief, Ms. Currie joined OAG sometime prior to October 15, 2019 under a “Secondment Agreement” dated June 5, 2019.

8. Mr. Surdo and Ms. Currie have represented OAG in public filings and comments.<sup>4</sup>

9. Mr. Surdo and Ms. Currie are both listed as counsel of record in OAG’s June 2020 lawsuit against, *inter alia*, ExxonMobil.<sup>5</sup>

10. The Executive Director of a local pressure group called “Fresh Energy”, Michael Noble, who has acknowledged that his group “helped put this idea in front of Attorney General Keith Ellison shortly after he was sworn in” after “a national organization who [sic] leads on this kind of climate liability, climate litigation...brought this concept to Fresh Energy the Fall of 2018,” has publicly boasted that “attorney Leigh Currie on the Attorney General’s staff and Pete Surdo have basically been working on this full time over the last few months”.<sup>6</sup>

11. The information sought by Plaintiff EPA’s MGDPA requests is public information, relates to a highly unusual arrangement between a private organization and Minnesota’s chief

<sup>4</sup> See, e.g., Motion for Leave to Participate in Oral Argument as Amici Curiae and for Divided Argument, *Ford Motor Company v. Montana Eighth Judicial District Court*, Nos. 19-368 and 19-369 [https://www.supremecourt.gov/DocketPDF/19/19-368/140921/20200406124052063\\_19-368%20Motion.pdf](https://www.supremecourt.gov/DocketPDF/19/19-368/140921/20200406124052063_19-368%20Motion.pdf), Comments of Attorneys General of California, et al. Re: EERE-2018-BT-STD-0005 <https://oag.ca.gov/system/files/attachments/press-docs/FINAL%20DOE%20Dishwasher%20State%20AGs%20Comment%20Oct%2016%2019.pdf>

<sup>5</sup> See, e.g., Mike Hughlett, “Minnesota files climate change lawsuit against oil companies including Koch Industries, ExxonMobil,” *Star Tribune*, June 24, 2020, <https://www.startribune.com/minn-files-climate-change-lawsuit-against-oil-companies-including-koch-exxon-mobil/571466182/>. Complaint available at [https://www.ag.state.mn.us/Office/Communications/2020/docs/ExxonKochAPI\\_Complaint.pdf](https://www.ag.state.mn.us/Office/Communications/2020/docs/ExxonKochAPI_Complaint.pdf).

<sup>6</sup> See e.g., [https://climatelitigationwatch.org/wp-content/uploads/2020/07/Minnesota-is-Suing-Climate-Polluters\\_Clip1.mov](https://climatelitigationwatch.org/wp-content/uploads/2020/07/Minnesota-is-Suing-Climate-Polluters_Clip1.mov). Entire video of July 1, 2020 webinar available at <https://www.youtube.com/watch?v=2MqX14GTm-o>.

law enforcement officer, and is of great public interest.

### **PARTIES**

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

13. Defendant Keith Ellison is the Attorney General of the State of Minnesota.

14. Defendant OAG is the Attorney General’s Office for the State of Minnesota. It is the recipient of the MGDPA requests, is the authority responsible for the data sought, and was responsible for improperly withholding public data. Its address is 445 Minnesota Street, Saint Paul, Minnesota 55101.

### **JURISDICTION AND VENUE**

15. This Court has jurisdiction over this matter pursuant to Minn. Stat. § 13.08, Subd. 3, and Minn. Stat. § 484.01.

16. Venue is proper in this Court pursuant to Minn. Stat. § 13.08, Subd. 3, authorizing an action against the state under Chapter 13 to be brought in any county.

### **THE GOVERNMENT DATA PRACTICES ACT REQUESTS**

#### **The January 3, 2020 Request**

17. On January 3, 2020, EPA requested any appointment letters sent to Leigh Currie and/or Peter Surdo from OAG, any appointment or hiring letters sent to OAG by the SEEIC regarding Ms. Currie and/or Mr. Surdo, and all electronic correspondence of two OAG employees, Karen

Olson and Oliver Larson, with Ms. Currie and/or Mr. Surdo at any email address outside of the official OAG email domain and which are dated from May 1, 2019 through the date the request was processed, inclusive. **(EXHIBIT A)**.

18. On March 2, 2020, OAG responded to the January 3, 2020 request by providing copies of two secondment agreements with the Bloomberg Center signed by Liz Kramer, Solicitor General of the State of Minnesota. OAG withheld some unstated number of potentially responsive records on the bases that: “(1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1; (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat § 13.393; or (3) they relate to communications and non-investigative files regarding administrative or policy matters which do not evidence final public actions and are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b).” **(EXHIBIT B)**.

#### **The February 7, 2020 Requests**

19. On February 7, 2020, EPA requested all electronic correspondence of two OAG staff members, Karen Olson and Oliver Larson, containing both New York University (including also “NYU”) and any of the search terms “Fellow”, “Surdo”, and/or “Currie”, dated from August 25, 2017 through the date the request was processed. **(EXHIBIT C)**.

20. On April 17, 2020, OAG responded to the request stating that no responsive correspondence of Karen Olson had been found. OAG acknowledged the existence of, but withheld the entirety of, some unstated number of potentially responsive records of Oliver Larson on the bases that: “(1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1; (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to

Minn. Stat § 13.393; or (3) they relate to communications and non-investigative files regarding administrative or policy matters which do not evidence final public actions and are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b).” OAG further states, “[a]s a general matter, the potentially responsive communications were identified only because the signature lines of the e-mails indicated that Mr. Surdo or Ms. Currie have fellowships with New York University.” **(EXHIBIT D)**.

21. On February 7, 2020, EPA also requested all electronic correspondence of Ms. Olson and Mr. Larson containing “Energy Policy Advocates” and/or “Hardin” dated December 21, 2018 through the date the request was processed. **(EXHIBIT E)**.

22. On April 28, 2020, OAG responded to the request providing some correspondence acknowledging receipt of records and a draft of a potential response to EPA’s request. OAG acknowledged the existence of, but withheld the entirety of, some unstated number of potentially responsive records of Oliver Larson on the bases that: “(1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1; or (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat § 13.393.” **(EXHIBIT F)**.

#### **The February 14, 2020 Request**

23. On February 14, 2020, EPA requested any document or data related to payment, instruction, and reporting requirements of any individual related to the NYU fellowship program. **(EXHIBIT G)**.

24. On May 27, 2020, OAG again provided the two secondment agreements in addition to a directory of OAG staff that lists Ms. Currie and Mr. Surdo as “NYU Fellows”. OAG withheld an unstated number of potentially responsive records as “attorney-client or work-product privileged

and not subject to the data practices act pursuant to Minn. Stat. § 13.393.” (EXHIBIT H).

#### **The March 6, 2020 Request**

25. On March 7, 2020 EPA requested electronic correspondence of Mr. Larson, Mr. Surdo, and Ms. Currie containing “Bachmann” and/or “Goffman” dated from November 1, 2019 through the date the request was processed. EPA also sought correspondence sent to Mr. Larson, Mr. Surdo, and Ms. Currie from Michael Myers of the New York State Office of Attorney General dated from November 4, 2019 through November 8, 2019 as well as correspondence dated November 17, 2019 and any invitations sent by Michael Myers to participate in a November 18, 2019 telephone call. (EXHIBIT I).

26. On May 14, 2020, OAG responded by releasing a news article that, Plaintiff presumes from the context, was attached to responsive correspondence and withholding an unstated number of potentially responsive records on the bases that: “(1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1; or (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat § 13.393.” (EXHIBIT J).

27. To date, OAG has provided no further response to this request.

#### **The April 28, 2020 Request**

28. On April 28, 2020, EPA requested all correspondence of two attorneys working in the OAG, Mr. Surdo and Rachel Tess, which contain 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 K).

29. After more than eight weeks, Defendant OAG has not acknowledged or provided any statutorily required response to this request.

**The May 15, 2020 Request**

30. On May 15, 2020, EPA requested any common interest agreement entered into by the OAG at any time in 2019 or 2020. **(EXHIBIT L)**.

31. On information and belief, OAG has entered into contracts, alternately styled as “confidentiality” and “common interest” agreements, requiring OAG to provide notice to and obtain the consent of outside parties prior to releasing certain public information, thereby contracting away the public’s access to public information as embodied in the MGDPA.

32. On information and belief, these contracts cover records relating to OAG’s aforementioned lawsuit recently filed by the Bloomberg “SAAGs” against ExxonMobil, and Koch Industries, Flint Hills Resources and the American Petroleum Institute.

33. On information and belief, these contracts also claim a “common interest” in “public nuisance” climate litigation filed in other jurisdictions by private tort firms against the same or similar parties.

34. On information and belief, in addition to not releasing these contracts, OAG is also relying on these agreements to avoid release of records at issue in this matter.

35. After more than six weeks, Defendant OAG has not acknowledged or provided any statutorily required response to this request.

**STATEMENT OF CLAIMS**

**COUNT I**

(Action to Compel Disclosure Pursuant to Minn. Stat. § 13.08)

36. Plaintiff realleges and incorporates by reference the allegations above.

37. The MGDPA “establishes a presumption that all government data are public and are



accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.” Minn. Stat. § 13.01, Subd. 3.

38. In response to Plaintiff’s requests, OAG has either ignored the requests in violation of MGDPA or erroneously relied on conclusory claims of attorney-client privilege, the work product doctrine, and the pending investigation exemption to withhold public records.

39. Plaintiff is entitled to disclosure of the requested data pursuant to Minn. Stat. §§ 13.03, Subd. 1, and 13.08, Subd. 4.

40. Defendant denied Plaintiff access to requested records in violation of the MGDPA.

41. Defendant’s denial of access was willful.

42. Plaintiff was harmed as a result of Defendant’s willful violation of the MGDPA.

43. For these reasons, Plaintiff has standing to challenge Defendant’s response.

44. Defendant’s willful violations of the MGDPA entitles Plaintiff to its costs and disbursements, including reasonable attorneys’ fees. Minn. Stat. § 13.08, Subd. 4.

45. Defendant’s willful denial of Plaintiff’s requests justifies assessment of a civil penalty under Minn. Stat. § 13.08, Subd. 4.

46. Plaintiff is entitled to an immediate injunction preventing continuation of Defendant’s willful and continued violations of the MGDPA. Minn. Stat. § 13.08, Subd. 2.

## COUNT II

(Disclosure of Civil Investigative Data Pursuant to Minn. Stat. § 13.39, Subds. 2a and 3 and Minn. Stat. § 13.08, Subd. 4)

47. Plaintiff realleges and incorporates by reference the allegations above.

48. OAG denied Plaintiff’s requests for records on the stated grounds that the records “relate to a pending civil action or investigation and are classified as nonpublic data or confidential

pursuant to Minn. Stat. § 13.39, subd. 1”.

49. This includes withholding appointment and/or offer letters issued by either OAG or the SEEIC as well as correspondence of any OAG employee or NYU fellow working for OAG with outside parties.

50. The MGDPA allows disclosure of government records related to a pending civil legal action if “the benefit to the person bringing the action or to the public outweighs any harm to the public, the government entity, or any person identified in the data.” Minn. Stat. § 13.39, Subd 2a.

51. In addition, the MGDPA declares “[i]nactive civil investigative data” as “public,” and defines data as “inactive” after the occurrence of any of the following events:

- a. A decision by the government entity or by the chief attorney acting for the government entity not to pursue the civil action;
- b. expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil action; or
- c. exhaustion of or expiration of rights of appeal by either party to the civil action.

52. Some of the data Plaintiff requested relates as far back in time as 2017, so on information and belief, some of the data requested and claimed to be withheld pursuant to Minn. Stat. § 13.39 is “inactive” under Minn. Stat. § 13.39, subd. 3.

53. The public has a substantial interest in the practice of private institutions recruiting elected officials to place privately hired individuals in public offices to further private goals, whether or not those are shared goals with the official running that office.

54. Disclosure of the records sought will provide a significant benefit to the public by demonstrating how this practice occurs while also providing transparency on the operations of an elected, constitutional officer.

55. Defendant has identified no potential harms to the public or OAG that may result from the release of appointment letters, funding arrangements, reporting requirements, or correspondence with activist private parties.

56. A possible chilling effect on the placement of privately funded officials in public offices cannot plausibly outweigh the public's interest and Defendant has identified no harms to the public or their office in their response.

57. The benefits of disclosure outweigh any harms and the Court should authorize disclosure under Minn. Stat. § 13.39, Subd. 2a and 3 and under Minn. Stat. § 13.08, Subd. 4.

### COUNT III

(Disclosure of Information Pursuant to Minn. Stat. § 13.393 and Minn. Stat. § 13.08, Subd. 4)

58. Plaintiff realleges and incorporates by reference the allegations above.

59. Defendant's claims of attorney-client and work product privilege are unsupported.

60. Minn. Stat. § 13.393 requires the dissemination of data by an attorney acting in a professional capacity for a government agency to be governed by the statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.

61. Defendant presents no evidence to support the claims that any hiring and/or appointment letters or responsive correspondence by or between Mr. Larson and Mr. Surdo and/or Ms. Currie constitute work product or would be subject to attorney-client privilege.

62. Defendant presents no evidence that correspondence with activist private parties were undertaken under any attorney-client relationship.

63. Absent evidence the responsive records constitute work product or are subject to attorney-client privilege, the Court should order disclosure of the records under Minn. Stat. § 13.08, Subd. 4.

**COUNT IV**

(Disclosure of Information Pursuant to Minn. Stat. § 13.65 and Minn. Stat. § 13.08, Subd. 4)

64. Plaintiff realleges and incorporates by reference the allegations above.

65. Defendant's claim that certain records are communications and non-investigative files regarding administrative or policy matters which do not evidence final public actions and are classified as private data on individuals is contrary to Minn. Stat. § 13.65.

66. Defendant takes the position that any appointment, hiring letters, and correspondence between OAG staff and Ms. Currie and/or Mr. Surdo do not evidence final public action and is thus not subject to disclosure.

67. Defendant presents no evidence to support the position that offers and/or appointment letters containing the source and amount of compensation, the terms of employment and/or placement within OAG, job description, and the like would be anything other than public personnel data as defined in Minn. Stat. 13.43, subd. 2.

68. Absent a demonstration that the appointment and/or hiring letters about the placement of Ms. Currie and/or Mr. Surdo in OAG and the terms of their employment are somehow not public personnel data, the Court should order disclosure of the requested records under Minn. Stat. § 13.08, Subd. 4.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff respectfully prays that this Court:

- a) Issue a declaratory judgment that the information requested is public information within the meaning of the Minnesota Government Data Practices Act, and that the OAG has improperly failed to produce such information;
- b) Enter a permanent injunction directing Defendant to comply fully with the MGDPA, and without further delay, to furnish Plaintiff the government data at

issue in this matter, in the native format requested, subject only to legally-allowable withholdings justified by sufficient identification of the reasons for withholding;

- c) Assess a civil penalty as authorized in Minn. Stat. § 13.08, Subd. 4;
- d) Alternately, perform an *in camera* review of the information sought to be redacted by OAG and compel OAG to release all information for which the OAG is unable to carry its burden to prove each withholding is privileged or otherwise not subject to disclosure;
- e) Award Plaintiff fees, costs, and disbursements, including reasonable attorneys' fees, as authorized in Minn. Stat. § 13.08, Subd. 4; and
- f) Order such additional relief as the Court may deem just and proper.

DATED: July 8, 2020

**UPPER MIDWEST LAW CENTER**

By: s/ Douglas P. Seaton  
Douglas P. Seaton (#127759)  
8421 Wayzata Boulevard, Suite 105  
Golden Valley, Minnesota 55426  
Phone: (612) 428-7001  
Doug.Seaton@umwlc.org

and

**GOVERNMENT ACCOUNTABILITY &  
OVERSIGHT, P.C.**

Christopher C. Horner  
1489 Kinross Lane  
Keswick, VA 22947  
District of Columbia Bar No. 440107  
Phone: (202) 262-4458  
Chris@CHornerLaw.com  
Application for admission *pro hac vice*  
to be filed

*Attorneys for Plaintiff*

**ACKNOWLEDGEMENT**

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

Dated: July 8, 2020

By: /s/ Douglas P. Seaton  
Douglas P. Seaton, #127759

**MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST**

January 3, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** [Attorney.General@ag.state.mn.us](mailto:Attorney.General@ag.state.mn.us)

**Re:** Certain Appointment Letters and Correspondence

Dear Sir or Madam:

As counsel for 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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, I hereby request copies of the following records:

- I. Any appointment letters as Special Assistant Attorney General, or to any other position, sent to Leigh Currie and/or Pete Surdo from the Minnesota Office of the Attorney General;
- II. Any appointment or hiring letters received by the Minnesota Office of the Attorney General from New York University's State Energy and Environmental Impact Center regarding Leigh Currie and/or Pete Surdo; and
- III. 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) Karen Olson, and/or Oliver Larson, that b) was sent to or from or copies Leigh Currie and/or Pete Surdo at any address

outside the @ag.state.ms.us domain, *and* which is c) dated from May 1, 2019 through the date you process this request, inclusive.

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 understand that 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. Given EPA’s non-profit and public interest nature and intention to broadly disseminate relevant findings, EPA requests a waiver or reduction of any applicable fees.

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.<sup>1</sup> 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).

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<sup>1</sup> <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](mailto:MatthewDHardin@protonmail.com).

Sincerely,

Matthew D. Hardin



The Office of  
**Minnesota Attorney General Keith Ellison**

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March 2, 2020

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
c/o Registered Agents Inc.  
170 S. Lincoln, Ste. 150  
Spokane, WA 99201

Dear Mr. Hardin:

I write in response to your correspondence dated January 3, in which you request that this Office provide you with:

- I. Any appointment letters as Special Assistant Attorney General, or to any other position, sent to Leigh Currie and/or Pete Surdo from the Minnesota Office of the Attorney General;
- II. Any appointment or hiring letters received by the Minnesota Office of the Attorney General from New York University's State Energy and Environmental Impact Center regarding Leigh Currie and/or Pete Surdo; and
- III. 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) Karen Olson, and/or Oliver Larson, that b) was sent to or from or copies Leigh Currie and/or Pete Surdo at any address outside the @ag.state.ms.us domain, and which is c) dated from May 1, 2019 through the date you process this request, inclusive.

This Office is obligated to make available "Government data" classified as "public" pursuant to the Minnesota Government Data Practices Act ("MGDPA"). *See* Minn. Stat. § 13.01 *et seq.* The MGDPA defines "Government data" as "all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use." Minn. Stat. § 13.02, subd. 7.

The documents potentially responsive to your requests are enclosed. Certain materials potentially responsive to your request are not classified as publicly available on the bases that: (1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1; (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat. § 13.393; or (3) they relate to communications and non-investigative files regarding administrative or policy matters

445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131

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EXHIBIT B

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
March 2, 2020  
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which do not evidence final public actions and are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b).

Sincerely,

A handwritten signature in dark ink, appearing to read "Oliver Larson", with a long horizontal flourish extending to the right.

Oliver Larson  
Assistant Attorney General

(651) 757-1265

|#4656757

**Employee Secondment Agreement between the Office of the Minnesota Attorney General  
and the  
State Energy & Environmental Impact Center at NYU School of Law**

This AGREEMENT ("Agreement") is entered into as of May 24, 2019, by and between NEW YORK UNIVERSITY ("NYU"), a New York not-for-profit education corporation, on behalf of the NYU School of Law's State Energy and Environmental Impact Center (the "State Impact Center"), and the Office of the Minnesota Attorney General

**WHEREAS**, The State Impact Center seeks to provide a supplemental, in-house resource to state attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance; and

**WHEREAS**, As part of its activities, the State Impact Center conducts a legal fellowship program ("Legal Fellowship Program"), which seeks to provide attorneys to act as fellows in the offices of certain state attorneys general ("Legal Fellows"); and

**WHEREAS**, The Office of the Minnesota Attorney General has been selected by the State Impact Center to participate in the Legal Fellowship Program; and

**WHEREAS**, The Office of the Minnesota Attorney General has the authority consistent with applicable law and regulations to accept a Legal Fellow whose salary and benefits are provided by an outside funding source.

**NOW, THEREFORE**, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the State Impact Center and Office of the Minnesota Attorney General agree to the following:

**A. Terms of Service for the Legal Fellowship Program at the Office of the Minnesota Attorney General:**

1. The State Impact Center will provide the services of one attorney to the Office of the Minnesota Attorney General to act as a Legal Fellow. The Office of the Minnesota Attorney General shall retain the ultimate discretion and authority to recruit and select the Legal Fellow. The Legal Fellow will be employed by the State Impact Center, on assignment to the Office of the Minnesota Attorney General, and shall not be an employee of the Office of the Minnesota Attorney General.
2. The specific start and end dates for services will be determined with the mutual agreement between the Legal Fellow, the Office of the Minnesota Attorney General and the State Impact Center, provided, however, that the term of the fellowship will be for one year with the expectation that a second one-year term will follow after mutual agreement among the parties (the "Fellowship Period").
3. During the Fellowship Period, the Legal Fellow will be under the direction and

control of, and owe a duty of loyalty to, the Office of the Minnesota Attorney General, and will be subject to the Office of the Minnesota Attorney General's policies regarding workplace conduct, including the policies regarding time and attendance, outside activities, conflicts of interests, and confidentiality. The Legal Fellow will receive instruction and materials regarding these requirements from the Office of the Minnesota Attorney General at the commencement of his or her fellowship.

4. During the Fellowship Period, salary and benefits will be provided to the Legal Fellow by the NYU School of Law. The Office of the Minnesota Attorney General will not provide compensation or benefits to the Legal Fellow.
5. The Office of the Minnesota Attorney General is self-insured with respect to professional liability, and is subject to the provisions, limitations, and exclusions of the Minnesota Tort Claims Act, Minn. Stat. § 3.736, *et seq.* When acting in the course and scope of duties as a Special Assistant Attorney General, the Office of the Minnesota Attorney General considers the Legal Fellow to be volunteer under Minn. Stat. § 3.732, subd. 1(2) and accordingly subject to the defense, indemnification, and immunity provisions of the Minnesota Tort Claims Act.
6. The Office of the Minnesota Attorney General may terminate the services of the Legal Fellow at its discretion for any reason upon seven (7) days' written notice to the State Impact Center, provided that the Office of the Minnesota Attorney General will attempt to resolve any performance or other issues involving the Legal Fellow with the Legal Fellow and the State Impact Center before terminating the services of the Legal Fellow. The State Impact Center may terminate this Agreement for any reason upon seven (7) days' written notice to the Office of the Minnesota Attorney General.
7. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The Office of the Minnesota Attorney General's liability shall be governed by the Minnesota Tort Claims Act, Minnesota Statutes section 3.736 and other applicable laws.

**B. Nature of the Fellowship Position at the Office of the Minnesota Attorney General**

1. During the Fellowship Period, the Office of the Minnesota Attorney General will provide the Legal Fellow the title of Special Assistant Attorney General.
2. The Office of the Minnesota Attorney General will assign the Legal Fellow substantive work and responsibility matching that of other attorneys in the office with similar experience and background. The Legal Fellow's substantive work will be primarily on matters relating to clean energy, climate change, and environmental

matters of regional and national importance.

3. The Office of the Minnesota Attorney General will aim to include the Legal Fellow in the range of its work where possible, such as strategy discussions and court appearances.
4. The Office of the Minnesota Attorney General will afford the Legal Fellow the opportunity to partake in the extensive legal education, including CLEs, offered by the Office of the Minnesota Attorney General to its attorneys.

### **C. Prohibited Activity**

1. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to engage in any activities that would constitute any of the following:
  - a. to carry on propaganda, or otherwise attempt to influence any specific legislation through (i) an attempt to affect the opinion of the general public or any segment thereof or (ii) communication with any member or employee of a legislative body, or with any other governmental official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body, committee or subdivision), other than through making available the results of non-partisan analysis, study or research;
  - b. To engage in any other activity that may constitute lobbying under federal, state, or local laws or regulations;
  - c. to influence the outcome of any specific public election; or
  - d. to support the election or defeat of a candidate for public office, finance electioneering communications, register prospective voters or encourage the general public or any segment thereof to vote in a specific election.
2. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to participate in any matter that involves New York University or any of its affiliates; and, to the extent that the Office of the Minnesota Attorney General participates in a matter that involves New York University or any of its affiliates, the Office of the Minnesota Attorney General will create an ethical wall between the Legal Fellow and the Office of the Minnesota Attorney General with regard to the matter to ensure that the Legal Fellow has access to no information relating to the matter.
3. The Office of the Minnesota Attorney General has determined that NYU's payment of salary and benefits to the Legal Fellow and the provision of services by the Legal Fellow to the Office of the Minnesota Attorney General do not constitute an impermissible gift under applicable law or regulation. No part of this agreement is

intended to induce the Office of the Minnesota Attorney General to undertake or refrain from undertaking any action within the purview of the Office of the Minnesota Attorney General. The Office of the Minnesota Attorney General retains sole discretion to determine whether to undertake any action, including any actions relating to clean energy, climate change, and environmental matters of regional and national importance or involving New York University or any of its affiliates.

#### **D. Communications and Reporting**

1. The State Impact Center will not have a proprietary interest in the work product generated by the Legal Fellow during the fellowship. The State Impact Center will not be authorized to obtain confidential work product from the Legal Fellow unless the Legal Fellow has obtained prior authorization from the Office of the Minnesota Attorney General.
2. The Office of the Minnesota Attorney General acknowledges that New York University may be required to make filings or disclosures that reference the Office of the Minnesota Attorney General, the Legal Fellow, or the Legal Fellowship Program, and that the Office of the Minnesota Attorney General is not required to review or approve any such filings except where New York University requests such review or approval and except as required by applicable law.
3. Notifications to the Office of the Minnesota Attorney General relating to this agreement should be directed to John Keller, Chief Deputy.
4. Notifications to the State Impact Center relating to this agreement should be directed to Elizabeth Klein, Deputy Director, State Energy & Environmental Impact Center at NYU School of Law, 1015 15th Street NW, Suite 600, Washington, DC 20005; 202-641-8364; [Elizabeth.klein@nyu.edu](mailto:Elizabeth.klein@nyu.edu).

#### **E. Miscellaneous**

1. This Agreement constitutes the complete understanding of the parties and supersedes any other agreements between the parties. No amendment to this Agreement will be valid and binding unless reduced to writing and signed by the parties.
2. This agreement shall not be assigned by either party without the consent of the other party.
3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange copies of this Agreement and signature pages in electronic form.

Dated: May \_\_\_, 2019

New York University

By:



\_\_\_\_\_  
David J. Hayes  
Executive Director  
State Energy & Environmental Impact Center

Dated: May 28, 2019

Office of the Minnesota Attorney General

By:



\_\_\_\_\_  
Name: Liz Kramer

Title: Solicitor General – State of Minnesota

204257524.1



Second Employee Secondment Agreement between the Office of the Minnesota Attorney  
General and the  
State Energy & Environmental Impact Center at NYU School of Law

This AGREEMENT ("Agreement") is entered into as of June 5, 2019, by and between NEW YORK UNIVERSITY ("NYU"), a New York not-for-profit education corporation, on behalf of the NYU School of Law's State Energy and Environmental Impact Center (the "State Impact Center"), and the Office of the Minnesota Attorney General

**WHEREAS**, The State Impact Center seeks to provide a supplemental, in-house resource to state attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance; and

**WHEREAS**, As part of its activities, the State Impact Center conducts a legal fellowship program ("Legal Fellowship Program"), which seeks to provide attorneys to act as fellows in the offices of certain state attorneys general ("Legal Fellows"); and

**WHEREAS**, The State Impact Center has expanded its Legal Fellowship Program to support additional legal fellows with clean energy expertise; and

**WHEREAS**, The Office of the Minnesota Attorney General has been selected by the State Impact Center to participate in the Legal Fellowship Program; and

**WHEREAS**, The Office of the Minnesota Attorney General has the authority consistent with applicable law and regulations to accept a Legal Fellow whose salary and benefits are provided by an outside funding source.

**NOW, THEREFORE**, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the State Impact Center and Office of the Minnesota Attorney General agree to the following:

**A. Terms of Service for the Legal Fellowship Program at the Office of the Minnesota Attorney General:**

1. The State Impact Center will provide the services of one attorney to the Office of the Minnesota Attorney General to act as a Legal Fellow. The Office of the Minnesota Attorney General shall retain the ultimate discretion and authority to recruit and select the Legal Fellow. The Legal Fellow will be employed by the State Impact Center, on assignment to the Office of the Minnesota Attorney General, and shall not be an employee of the Office of the Minnesota Attorney General.
2. The specific start and end dates for services will be determined with the mutual agreement between the Legal Fellow, the Office of the Minnesota Attorney General and the State Impact Center, provided, however, that the term of the fellowship will be for one year with the expectation that a second one-year term will follow after mutual

agreement among the parties (the "Fellowship Period").

3. During the Fellowship Period, the Legal Fellow will be under the direction and control of, and owe a duty of loyalty to, the Office of the Minnesota Attorney General, and will be subject to the Office of the Minnesota Attorney General's policies regarding workplace conduct, including the policies regarding time and attendance, outside activities, conflicts of interests, and confidentiality. The Legal Fellow will receive instruction and materials regarding these requirements from the Office of the Minnesota Attorney General at the commencement of his or her fellowship.
4. During the Fellowship Period, salary and benefits will be provided to the Legal Fellow by the NYU School of Law. The Office of the Minnesota Attorney General will not provide compensation or benefits to the Legal Fellow.
5. The Office of the Minnesota Attorney General is self-insured with respect to professional liability, and is subject to the provisions, limitations, and exclusions of the Minnesota Tort Claims Act, Minn. Stat. § 3.736, *et seq.* When acting in the course and scope of duties as a Special Assistant Attorney General, the Office of the Minnesota Attorney General considers the Legal Fellow to be volunteer under Minn. Stat. § 3.732, subd. 1(2) and accordingly subject to the defense, indemnification, and immunity provisions of the Minnesota Tort Claims Act.
6. The Office of the Minnesota Attorney General may terminate the services of the Legal Fellow at its discretion for any reason upon seven (7) days' written notice to the State Impact Center, provided that the Office of the Minnesota Attorney General will attempt to resolve any performance or other issues involving the Legal Fellow with the Legal Fellow and the State Impact Center before terminating the services of the Legal Fellow. The State Impact Center may terminate this Agreement for any reason upon seven (7) days' written notice to the Office of the Minnesota Attorney General.
7. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The Office of the Minnesota Attorney General's liability shall be governed by the Minnesota Tort Claims Act, Minnesota Statutes section 3.736 and other applicable laws.

**B. Nature of the Fellowship Position at the Office of the Minnesota Attorney General**

1. During the Fellowship Period, the Office of the Minnesota Attorney General will provide the Legal Fellow the title of Special Assistant Attorney General.
2. The Office of the Minnesota Attorney General will assign the Legal Fellow substantive work and responsibility matching that of other attorneys in the office with

similar experience and background. The Legal Fellow's substantive work will be primarily on matters relating to clean energy matters of regional and national importance.

3. The Office of the Minnesota Attorney General will aim to include the Legal Fellow in the range of its work where possible, such as strategy discussions and court appearances.
4. The Office of the Minnesota Attorney General will afford the Legal Fellow the opportunity to partake in the extensive legal education, including CLEs, offered by the Office of the Minnesota Attorney General to its attorneys.

### C. Prohibited Activity

1. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to engage in any activities that would constitute any of the following:
  - a. to carry on propaganda, or otherwise attempt to influence any specific legislation through (i) an attempt to affect the opinion of the general public or any segment thereof or (ii) communication with any member or employee of a legislative body, or with any other governmental official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body, committee or subdivision), other than through making available the results of non-partisan analysis, study or research;
  - b. To engage in any other activity that may constitute lobbying under federal, state, or local laws or regulations;
  - c. to influence the outcome of any specific public election; or
  - d. to support the election or defeat of a candidate for public office, finance electioneering communications, register prospective voters or encourage the general public or any segment thereof to vote in a specific election.
2. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to participate in any matter that involves New York University or any of its affiliates; and, to the extent that the Office of the Minnesota Attorney General participates in a matter that involves New York University or any of its affiliates, the Office of the Minnesota Attorney General will create an ethical wall between the Legal Fellow and the Office of the Minnesota Attorney General with regard to the matter to ensure that the Legal Fellow has access to no information relating to the matter.
3. The Office of the Minnesota Attorney General has determined that NYU's payment of salary and benefits to the Legal Fellow and the provision of services by the Legal

Fellow to the Office of the Minnesota Attorney General do not constitute an impermissible gift under applicable law or regulation. No part of this agreement is intended to induce the Office of the Minnesota Attorney General to undertake or refrain from undertaking any action within the purview of the Office of the Minnesota Attorney General. The Office of the Minnesota Attorney General retains sole discretion to determine whether to undertake any action, including any actions relating to clean energy matters of regional and national importance or involving New York University or any of its affiliates.

#### **D. Communications and Reporting**

1. The State Impact Center will not have a proprietary interest in the work product generated by the Legal Fellow during the fellowship. The State Impact Center will not be authorized to obtain confidential work product from the Legal Fellow unless the Legal Fellow has obtained prior authorization from the Office of the Minnesota Attorney General.
2. The Office of the Minnesota Attorney General acknowledges that New York University may be required to make filings or disclosures that reference the Office of the Minnesota Attorney General, the Legal Fellow, or the Legal Fellowship Program, and that the Office of the Minnesota Attorney General is not required to review or approve any such filings except where New York University requests such review or approval and except as required by applicable law.
3. Notifications to the Office of the Minnesota Attorney General relating to this agreement should be directed to John Keller, Chief Deputy.
4. Notifications to the State Impact Center relating to this agreement should be directed to Elizabeth Klein, Deputy Director, State Energy & Environmental Impact Center at NYU School of Law, 1015 15th Street NW, Suite 600, Washington, DC 20005; 202-641-8364; [Elizabeth.klein@nyu.edu](mailto:Elizabeth.klein@nyu.edu).

#### **E. Miscellaneous**

1. This Agreement constitutes the complete understanding of the parties and supersedes any other agreements between the parties. No amendment to this Agreement will be valid and binding unless reduced to writing and signed by the parties.
2. This agreement shall not be assigned by either party without the consent of the other party.
3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange copies of this Agreement and signature pages in electronic form.

Dated: June 5, 2019

New York University

By: 

David J. Hayes

Executive Director

State Energy & Environmental Impact Center

Dated: June 5, 2019

Office of the Minnesota Attorney General

By: 

Name: Liz Kramer

Title: Solicitor General – State of Minnesota

204257524.1

**MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST**

February 7, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** Attorney.General@ag.state.mn.us  
**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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, 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:) Karen Olson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email or text message, i) “New York University” (including also “NYU”) and one or more of the following, ii) “Fellow”, iii) “Surdo”, and/or iv) “Currie”, v), and c) is dated from August 25, 2017 through the date you process this request, inclusive; and
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:) Oliver Larson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email, i) “New York University” (including also “NYU”) and one or more of the following, ii) “Fellow”, iii) “Surdo”, and/or iv) “Currie”, and c) is dated from August 25, 2017 through the date you process this request, inclusive;

Regarding both parts of this request, 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 request a rolling production of records, such that the agency furnishes records to my attention as soon as they are processed.

**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.<sup>1</sup>

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<sup>1</sup> 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](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/>.



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.<sup>2</sup> 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.

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

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](mailto:MatthewDHardin@protonmail.com).

Sincerely,

Matthew D. Hardin



The Office of  
**Minnesota Attorney General Keith Ellison**  
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April 17, 2020

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
c/o Registered Agents Inc.  
170 S. Lincoln, Ste. 150  
Spokane, WA 99201

Dear Mr. Hardin:

I write in response to your (second) correspondence dated February 7, in which you request that this Office provide you with:

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:) Karen Olson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email or text message, i) "New York University" (including also "NYU") and one or more of the following, ii) "Fellow", iii) "Surdo", and/or iv) "Currie", v), and c) is dated from August 25, 2017 through the date you process this request, inclusive; and
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:) Oliver Larson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email, i) "New York University" (including also "NYU") and one or more of the following, ii) "Fellow", iii) "Surdo", and/or iv) "Currie", and c) is dated from August 25, 2017 through the date you process this request, inclusive; This Office is obligated to make available "Government data" classified as "public" pursuant to the Minnesota Government Data Practices Act ("MGDPA"). See Minn. Stat. § 13.01 *et seq.* The MGDPA defines "Government data" as "all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use." Minn. Stat. § 13.02, subd. 7.

There were no documents responsive to the first request above. There were no public documents responsive to the second request. Certain materials potentially responsive to the second request are not classified as publicly available on the bases that: (1) they relate to a civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1 or 13.65, subd. 1(d); (2) they are attorney-client or work-product privileged and

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EXHIBIT D

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
April 17, 2020  
Page 2

not subject to the data practices act pursuant to Minn. Stat. § 13.393; or (3) they relate to communications and non-investigative files regarding administrative or policy matters which do not evidence final public actions and are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b).

I note that Mr. Surdo and Ms. Currie report to me. As a general matter, the potentially responsive communications in question were identified only because the signature lines of the e-mails indicated that Mr. Surdo or Ms. Currie have fellowships with New York University.

Sincerely,

A handwritten signature in dark ink, appearing to be "L - h" followed by a long horizontal stroke.

Oliver Larson  
Assistant Attorney General

(651) 757-1265

|#4698367-v1

MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST

February 7, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** Attorney.General@ag.state.mn.us  
**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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, 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:) Karen Olson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email or text message, i) “Energy Policy Advocates” and/or “Hardin”, and c) is dated from December 21, 2018 through the date you process this request, inclusive; and
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:) Oliver Larson, that b) includes, *anywhere*, whether in

the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email or text message, i) “Energy Policy Advocates” and/or “Hardin”, and c) is dated from December 21, 2018 through the date you process this request, inclusive.

Regarding both parts of this request, 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 request a rolling production of records, such that the agency furnishes records to my attention as soon as they are processed.

**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.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.<sup>1</sup>

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<sup>1</sup> 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](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/>.

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.<sup>2</sup> 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.

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



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](mailto:MatthewDHardin@protonmail.com).

Sincerely,

Matthew D. Hardin



The Office of  
**Minnesota Attorney General Keith Ellison**  
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April 28, 2020

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
c/o Registered Agents Inc.  
170 S. Lincoln, Ste. 150  
Spokane, WA 99201

**VIA E-MAIL ONLY**

Dear Mr. Hardin:

I write in response to your (first) correspondence dated February 7, in which you request that this Office provide you with:

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:) Karen Olson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email or text message, i) "Energy Policy Advocates" and/ or "Hardin", and c) is dated from December 21, 2018 through the date you process this request, inclusive; and
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:) Oliver Larson, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or subject fields, or otherwise, including also in any attachments or the body of an email or text message, i) "Energy Policy Advocates" and/ or "Hardin", and c) is dated from December 21, 2018 through the date you process this request, inclusive.

This Office is obligated to make available "Government data" classified as "public" pursuant to the Minnesota Government Data Practices Act ("MGDPA"). *See* Minn. Stat. § 13.01 *et seq.* The MGDPA defines "Government data" as "all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use." Minn. Stat. § 13.02, subd. 7.

The documents potentially responsive to your requests are enclosed. Certain materials potentially responsive to your request are not classified as publicly available on the bases that: (1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1; or (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat. § 13.393.

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
April 28, 2020  
Page 2

After consultation with your attorney in the pending matter *Energy Policy Advocates v. Ellison*, Ramsey County District Court Case No. 62-cv-19-5899, the Office has not re-produced to you copies of correspondence from me to you concerning prior data practices act requests that may be responsive to this request. The Office has also not produced copies of correspondence between myself and your attorneys relating to the above referenced case. If you intended to include such correspondence in your data request, please let me know. The Office would charge fees as permitted by law to collect and produce these materials to you.

Sincerely,



Oliver Larson  
Assistant Attorney General

(651) 757-1265

Enclosures

#4698314-v1

**MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST**

February 14, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** [Attorney.General@ag.state.mn.us](mailto:Attorney.General@ag.state.mn.us)  
**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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, I hereby request copies of the following records: any document or data that refers to or relates to payment arrangements, payments, instruction of, or reporting requirements for individuals related to the New York University or any fellowship or funding provided by the New York University for work done in the Office of the Attorney General of Minnesota. This request includes, but is not limited to, documents indicating whether individuals working for the AG are paid in whole or in part by NYU, whether NYU gives money to the AG to subsidize any individual's salary or wage, the job description at the AG's office of any person hired in any way related to NYU (other than having attended there), and to whom any individual hired in any way related to NYU (other than having attended there) reports for work assignments.

We request a rolling production of records, such that the agency furnishes records to my attention as soon as they are processed.

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.<sup>1</sup>

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

Sincerely,

Matthew D. Hardin

---

<sup>1</sup> 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](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/>.



The Office of  
**Minnesota Attorney General Keith Ellison**  
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May 27, 2020

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
c/o Registered Agents Inc.  
170 S. Lincoln, Ste. 150  
Spokane, WA 99201

Dear Mr. Hardin:

I write in response to your correspondence dated February 14, in which you request that this Office provide you with:

any document or data that refers to or relates to payment arrangements, payments, instruction of, or reporting requirements for individuals related to the New York University or any fellowship or funding provided by the New York University for work done in the Office of the Attorney General of Minnesota. This request includes, but is not limited to, documents indicating whether individuals working for the AG are paid in whole or in part by NYU, whether NYU gives money to the AG to subsidize any individual's salary or wage, the job description at the AG's office of any person hired in any way related to NYU (other than having attended there), and to whom any individual hired in any way related to NYU (other than having attended there) reports for work assignments.

This Office is obligated to make available "Government data" classified as "public" pursuant to the Minnesota Government Data Practices Act ("MGDPA"). *See* Minn. Stat. § 13.01 *et seq.* The MGDPA defines "Government data" as "all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use." Minn. Stat. § 13.02, subd. 7.

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
May 27, 2020  
Page 2

The documents potentially responsive to your requests are enclosed. Certain materials potentially responsive to your request are not classified as publicly available on the bases that they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat. § 13.393.

Sincerely,



OLIVER J. LARSON  
Assistant Attorney General

(651) 757-1265 (Voice)  
(651) 297-1235 (Fax)  
oliver.larson@ag.state.mn.us

Enclosures

|#4709638-v1



## APPENDIX A

## OFFICE ORGANIZATION GUIDE

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*102 State Capitol****Executive Office***Keith Ellison, Attorney General  
296-6197

	<b><i>Phone</i></b>	
Cassutt, Donna	757-1295	Chief of Staff
Dousti, Keaon	757-1311	Outreach Coordinator
Keller, John	757-1355	Chief Deputy Attorney General
Melin, Carly	757-1107	Government Affairs Director
McCoy, Shanell	757-1411	Digital Media Specialist
Rahmani, Sadaf	757-1470	Policy Research Associate
Stiles, John	296-2069	Deputy Chief of Staff
Sully, Jillian	757-1322	Executive Assistant/Scheduler
<b><i>Executive Assistance</i></b>	<b><i>Phone</i></b>	
Carr, Colleen	296-6197	Receptionist
Bernardini, Rachael	757-1090	Administrative Assistant

102 State Capitol

**Section Administration**

<b>Government Legal Services Section</b>		<b>Phone</b>
Eller, Christie	757-1440	Deputy Attorney General
Kirlin, Ann	757-1337	Administrative Assistant
<b>State Government Services Section</b>		<b>Phone</b>
Voigt, David	757-1350	Deputy Attorney General
Vang, May	757-1233	Administrative Assistant
<b>Civil Law Section</b>		<b>Phone</b>
Canaday, James	757-1421	Deputy Attorney General
Mitchell, Kathryn	757-1446	Administrative Assistant
<b>Civil Litigation Section</b>		<b>Phone</b>
Kramer, Liz	757-1010	Solicitor General
Hewitt, Pamela	757-1445	Administrative Assistant
Duffy, Betty	757-1100	Office Manager (1100, 1200, 1800, 1900)
<b>Regulatory Law &amp; Professions Section</b>		<b>Phone</b>
Capuana, Laura	757-1329	Office Manager (800, 900, 1300, 1400)
<b>Receptionists</b>		<b>Phone</b>
Anderson, Kyle	297-1075	Receptionist, 900
Olson, Aaron	282-5700	Receptionist, 1100
Martinez, Jeanne	296-9412	Receptionist, 1200
Jotblad, Patricia	296-7575	Receptionist, 1400
Weiss, Margaret	297-2040	Receptionist, 1800

102 Capitol, 900, 1050, 1300

*Christie Eller, Deputy Attorney General****Legal Operations***

<b><i>Administrative Law / Finance</i></b>		<b><i>Phone</i></b>
Fischer, Sue	757-1426	Administrative Assistant
Flanum, Ashley	757-1347	Docketing Coordinator
Hall, Karoline	757-1379	Payroll Coordinator
Hintz, Daniel	757-1041	Finance and Accounting Officer
Nasifoglu, Jennifer	757-1282	Accounting and Operations Specialist
Skarda, Angela	297-2796	Purchasing Coordinator
Smith, Ray	757-1484	Director of Finance
Walsh, June	757-1199	Administrative Assistant
Woods, Niari	757-1434	Accounting Officer
<b><i>Human Resources</i></b>		<b><i>Phone</i></b>
Vrooman, Sue	757-1057	Director of Human Resources
Moua, K.C.	757-1279	Personnel Assistant
<b><i>Systems</i></b>		<b><i>Phone</i></b>
Finch, Rich	757-1333	I.T. Manager
Carlson, Barbara	757-1212	Litigation Support Specialist
Conely, Dawn	757-1401	Application Support Specialist
Leviton, Matthew	757-1313	Network Administrator
Lewis, Kate	757-1032	Desktop Support Specialist
Lowell, Xavier	757-1467	LAN Administrator
Ly, Kou	757-1331	Database Administrator
McCumber, Jack	757-1429	Desktop Support Specialist
McNamer, Patrick	757-1002	Litigation Support Specialist
Miller, Eric	757-1011	Litigation Liaison
Oney, Suzanne	757-1377	Application Developer
Pasno, Sue	757-1024	Application Support Specialist
Roberts, Cory	757-1042	Associate Network/LAN Administrator
Weber, Casey	757-1228	Web and Graphic Designer
<b><i>Library</i></b>		<b><i>Phone</i></b>
Snyder, Sadie	757-1055	Law Librarian
<b><i>Other Administrative</i></b>		<b><i>Phone</i></b>
Erickson, Rich	757-1442	Messenger

Government Legal Services Section

Suite 1900

*Christie Eller, Deputy Attorney General***Administrative Law Division**Angela Behrens, Division Manager  
757-1204

The Administrative Law Division represents a variety of agencies, boards, councils, and commissions in litigation, administrative proceedings, and transactional matters. Advises clients on loans, leases, mortgages and contract drafting, review and negotiation; and serves as bond issuers' counsel. Defends the State in litigation over contract and lease issues, tax forfeiture and torrens assurance fund issues. Represents the State in district court and administrative proceedings involving insurance companies, securities dealers, banks, real estate agents and brokers, building contractors and other entities and persons regulated by the Department of Commerce. Represents the Department of Commerce in natural gas, electric, and telephone utility rate and facilities permitting proceedings before the Public Utilities Commission, federal regulatory agencies, and state and federal courts. Advises the Department of Commerce on its energy conservation program, energy grant program and other work of the State Energy Office, and on its commercial weights and measures inspection program.

**Client Agencies:** Department of Administration, Minnesota Management and Budget (MMB), Department of Employment and Economic Development (DEED), Department of Commerce, Department of Labor and Industry, Housing Finance Agency (HFA), Iron Range Resources, State Auditor, Legislative Auditor, Board of Investment, Office of Enterprise Technology, and many small boards and agencies, such as the Crime Victim Reparations Board, State Arts Board, State Agricultural Society (State Fair), and the Boards of Accountancy, Architecture, Barbers, Electricity, Teaching and School Administrators. State Archeologist; and, in real estate matters, and Minnesota State Colleges and Universities (MnSCU).

<b>Attorneys</b>	<b>Phone</b>	
Barr, Allen	757-1487	
Behrens, Angela	757-1204	Division Manager
de Sam Lazaro, Anthony	757-1375	
Dornfeld, Richard	757-1327	
Hartshorn, Nathan	757-1252	
Hinderlie, Katherine	757-1468	
Jensen, Linda	757-1472	
Kaisershot, Christopher	757-1264	
Krans, Sarah	757-1273	
Madsen, Peter	757-1383	
Pihlstrom, Gary	757-1314	
Sorenson, Adam	757-1202	

<b>Legal Assistants</b>	<b>Phone</b>
Albers, Stacey	282-2054
Desmond, Rita	757-1430
Griffin, Taylor	757-1478

<b>Support Staff</b>	<b>Phone</b>
Hanson, Brenda	757-1316
Ransom, Cynthia	757-1381
Soderstrom, Liz	757-1238

Civil Law Section

Suite 1200

**James Canaday, Deputy Attorney General****Charities Division**Ben Velzen, Division Manager  
757-1235

The Charities Division acts as the State's regulator of nonprofit organizations, charities, foundations and professional fundraisers. Lawyers in the Division enforce Minnesota laws governing charitable solicitations and the organization and governance of nonprofit entities.

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Ballou, Collin	757-1474	
Gillaspey, Sarah	757-1210	
Kaufman, Adrienne	757-1485	
Lee, Lindsey	757-1455	
Skaar, Joshua	757-1004	
Velzen, Benjamin	757-1235	Division Manager
Washington, Carol	757-1298	

<b><i>Legal Assistants</i></b>	<b><i>Phone</i></b>	
Mader, Bethany	757-1296	
Sura, Samuel	757-1005	
Tikk, Daniel	757-1087	

<b><i>Charities Registrars</i></b>	<b><i>Phone</i></b>	
Brengman, Julie	757-1393	Assistant Charities Registrar Charities Registrar

<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
Brunholz, Karen	757-1209	
Dahlby, Roberta	757-1006	
Glaser, Tammy	757-1215	
Godfrey, Katie	757-1166	
Koppes, Dawn	757-1269	
Murray, Beth	757-1197	
Sengul, Lisa	757-1335	

*Civil Law Section**Suite 1200****James Canaday, Deputy Attorney General******Civil Division***Jason Pleggenkuhle, Division Manager  
757-1147

The Civil Division enforces the State's consumer protection laws. Lawyers in the Division investigate and bring cases against companies that violate Minnesota's consumer protection laws.

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Baldwin, Alex	757-1020	
Goodwin, Michael	757-1456	
Jones, David	757-1466	
Kelly, Katherine	757-1308	
Maloney, Eric	757-1021	
Micko, Caitlin	757-1352	
Pleggenkuhle, Jason	757-1147	Division Manager
Romanoff, Evan	757-1454	
Welle, Adam	757-1425	

<b><i>Legal Assistants</i></b>	<b><i>Phone</i></b>
Giles, Mary Anne	757-1241
Grove, Nina	757-1321
Palumbo, Giulia	757-1288
Siliciano, Marie	757-1341

<b><i>Support Staff</i></b>	<b><i>Phone</i></b>
Christenson, Pam	757-1156
Jeppesen, Julie	757-1208
Wood, Catherine	757-1342

***Wage Theft***Jason Pleggenkuhle, Division Manager  
757-1147

<b><i>Attorney</i></b>	<b><i>Phone</i></b>
Moler, Jonathan	757-1330
<b><i>Legal Assistant</i></b>	<b><i>Phone</i></b>
Vergara, Ana	757-1203

State Government Services Section

Suite 1400

*David Voigt, Deputy Attorney General***Consumer Services Division**James Van Buskirk, Division Manager  
355-0700

The State's consumer advocate; operating in handling individual consumer complaints and consumer enforcement. Office staff members can contact Division members directly. Citizens with questions in these areas should be referred to the consumer assistance line at (651) 296-3353 or toll free at (800) 657-3787 (TTY: (651) 297-7206 or (800) 366-4812).

<b>Attorneys</b>	<b>Phone</b>	
Van Buskirk, James	355-0700	Division Manager

<b>Legal Assistants - Mediators</b>	<b>Phone</b>
Capeluto, Jeffrey	355-0727
Gallagher, Samantha	355-0736
Gosiger, William	355-0703
Maertz, Parker	355-0729
Markfort, Katrina	355-0725
Miller, Courtney	355-0714
Mohamed, Nusla	355-0734
Mueller, Paul	355-0730
Schneider, Eric	355-0721
Severseike, Elissa	355-0702
Straiton, Kyle	355-0733
Vogel, Evan	355-0737

<b>Citizen Correspondence Specialist</b>	<b>Phone</b>
Williamson, Bryanna	355-0704

<b>Support Staff</b>	<b>Phone</b>
Amsden, Donna	757-1319
Borries, Michelle	757-1401
Braum, Lori	757-1403
Carlson, Sarah (50%)	
Flanders, Laura	757-1444
Harkin, Kimberly	757-1368
Horne, Jerri	757-1463
Kunkel, Debra	757-1494
Kysylyczyn, Nancy	757-1493
Moralez, Kim	757-1495
Prokosch, Pamela	757-1293
Serrey, Sharon	757-1143
Shields, Sharon	757-1309
Zonn-Schmittiel, Sarah	757-1192



*Regulatory Law & Professions Section**Suite 900****Environmental & Natural Resources Division***Oliver Larson, Division Manager  
757-1244

The Environmental & Natural Resources Division advises client agencies, defends agency action and enforces state and delegated federal environmental law relating to air and water quality, solid and hazardous waste handling and disposal, toxic pollutants, cost recovery and cleanup of hazardous substances, land recycling, petroleum tank releases and cleanup, and noise pollution. Advises and represents agencies that oversee the environmental review process, and that provide grants to encourage sound environmental waste handling. Provides legal assistance to local government units on Commerce Clause and other legal issues affecting solid waste management. Manages special attorneys and coordinates with MPCA on settlement negotiations and litigation to recover landfill cleaning costs from insurance companies.

***Client Agencies:*** Pollution Control Agency, Environmental Quality Board

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Brown, Christina	757-1471	
Currie, Leigh	757-1291	NYU Fellow
Farrell, Peter	757-1424	
Larson, Oliver	757-1265	Division Manager
O'Donovan, Colin	757-1026	
Person, Stacey	757-1412	
Pulitzer, Philip	757-1397	
Rodlund, Kevin	757-1294	
Surdo, Pete	757-1061	NYU Fellow
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
McKenzie, Lois	757-1480	
Schroeder, Kay	757-1374	
Tess, Rachel (50%)	757-1359	

State Government Services Section

Suite 1100

*David Voigt, Deputy Attorney General***Human Services Division**Scott Ikeda, Division Manager  
757-1385

The Human Services Division advises client agency and defends agency action on subjects such as public assistance, child protection, the Indian Child Welfare Act (ICWA), child support enforcement, medical assistance (MA) and other public health care programs, developmental disability programs, long term care for the elderly, mental health and chemical dependency, licensing standards for day and residential programs, and civil rights issues in program service delivery. Represents state operated residential and treatment facilities. Handles class action and other complex litigation concerning federal and state requirements in the welfare and health care areas; challenges to client agency determinations that a minor or vulnerable adult has been maltreated; reimbursement, special recovery and benefits recovery actions; public assistance appeals; Minnesota Sex Offender Program (MSOP) cases brought by MSOP patients, and Supreme Court Appeals Panel (SCAP) cases concerning petitions for change in civil commitment status.

**Client Agency:** Department of Human Services

<b>Attorneys</b>	<b>Phone</b>	
Afsharjavan, Ali	757-1059	
Anderson, Nicholas	757-1276	
Balmakund, Zuri	757-1317	
Boese, Brandon	757-1414	
Bredeson, Drew	757-1034	
Clark, James	757-1390	
Detrick, R.J.	757-1489	
Feichtinger, Gail	757-1231	
Ikeda, Scott	757-1385	Division Manager
Kjos, Heather	757-1344	
Leonard, Michael	757-1211	
Noss, Anthony	757-1461	
Ranaweera, Nilushi	757-1346	
Schweich, Leonard	757-1486	
Winter, Aaron	757-1453	
<b>Legal Assistant</b>	<b>Phone</b>	
Stephenson, Nancy	757-1248	
<b>Support Staff</b>	<b>Phone</b>	
Fusco, Judy	757-1237	
Herbert, Georgette (50%)	757-1249	
McLeod, Jeanne	757-1451	
Nettleton, Gwen	757-1187	
Pruden, Jenifer	757-1305	

State Government Services Section

Suite 900

**David Voigt, Deputy Attorney General****Medicaid Fraud Division**Kirsi Poupore, Division Manager  
757-1299

The Medicaid Fraud Division investigates and prosecutes civil and criminal cases against Medicaid vendors who have committed fraud in the use of the Medicaid program, including complex financial investigations and prosecutions of major institutional providers. Civil cases include State False Claims Act alleging Medicaid fraud. Also investigates abuse, neglect and financial exploitation in Medicaid-funded facilities and programs.

<b>Attorneys</b>	<b>Phone</b>	
Barrie, Krista	757-1257	
Lewellen, Noah	757-1420	
Nielsen, Kristi	757-1284	
Poupore, Kirsi	757-1299	Division Manager
Wanka, Nicholas	757-1394	

<b>Legal Assistants/Investigators</b>	<b>Phone</b>	
Boris, Scott	757-1033	
Castro, Diane	757-1283	
Harland, Joel	757-1462	
Knodle, Kristopher	757-1428	
Kuth, Matthew	757-1364	
Lehr, Kelly	757-1256	
Lynch, Brad	757-1297	
Nelson, Carissa	757-1491	
Nelson, Gary	757-1382	
Nessen, Kyle	757-1225	
Pha, Mai	757-1458	
Potocnik, Kailee	757-1224	
Sandquist, Nicholas	757-1047	
Seiler, Natalie	757-1336	
Sully, Erin	757-1274	
Von Feldt, Amy	757-1349	

<b>Support Staff</b>	<b>Phone</b>	
Akpelu, Shirley	757-1423	
Cooper, Deborah	757-1240	
Fontaine, Laurie	757-1267	
Janus, Karen	757-1469	

*Regulatory Law & Professions Section**Suite 1300****Occupational Licensing Division***David Cullen, Division Manager  
757-1221

The Occupational Licensing Division provides general legal advice and services to Health Licensing Boards and other Licensing Boards. Advises Boards regarding disciplinary matters and handles contested case hearings on disciplinary proceedings against licensed professionals such as doctors, dentists, nurses, psychologists, etc. Seeks injunctive relief against individuals who practice without a license. Investigations involve allegations of billing fraud, incompetency, sexual impropriety, chemical dependency, over-prescribing and other general unprofessional conduct.

***Client Agencies:*** Health Licensing Boards (14) and other Licensing Boards

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Anderson, Hans	757-1278	
Cullen, David	757-1221	Division Manager
Ghreichi, Kathleen	747-1490	
Lienesch, Nick	757-1315	
Riehle, Keriann	757-1449	
Robinson, Natasha	757-1017	
Schaefer, Greg	757-1366	
Schueppert, Daniel	757-1205	
Sedillos, Tiffany	757-1287	
<b><i>Investigators</i></b>	<b><i>Phone</i></b>	
Audette, Shawna	757-1196	
Bukowski, Mark	757-1419	
Costa, RaeAnn	757-1163	
Garbe, Christine	757-1435	
Geraets, Anna	757-1025	
Glanz, Stephanie	757-1338	
Heu, Thai	757-1171	
Hustedt, Allison	757-1497	
Luedtke, Amy	757-1289	
Murphy, Dan	757-1008	
Sullivan, Megan	757-1206	
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
Ackerman, Donna	757-1201	
Carlson, Sarah (50%)		
Carpentier, Lisa	757-1290	
Howard, Sandy	757-1464	
Reeves, Tammie	757-1306	
Robbins, Suzanne	757-1369	
Sylvester, Sandy	757-1433	

State Government Services Section

Suite 1800

*David Voigt, Deputy Attorney General***Public Safety Division**Joan Eichhorst, Division Manager  
757-1438

The Public Safety Division handles thousands of implied consent and other driver's license related matters in court each year and enforces the State's overweight truck laws. Provides legal advice and representation to several client agencies within the Minnesota Department of Public Safety. Provides legal advice and representation to several state agencies and boards which regulate gambling and liquor distribution laws. Provides general DWI training for law enforcement agencies throughout the State of Minnesota.

**Client Agencies:** Commissioner of Public Safety, Driver and Vehicle Services, Bureau of Criminal Apprehension, Private Detective and Protective Agent Services Board, Office of Homeland Security, Minnesota State Patrol, Driver's Training Coordinator's Office, Capitol Security, Office of Emergency Management, Fire Marshal's Office, Office of Pipeline Safety, Crime Alert Network, Deputy Registrars, Peace Officer Death Benefit Fund, Alcohol and Gambling Enforcement Division, Gambling Control Board, Racing Commission, and State Lottery.

<b>Attorneys</b>	<b>Phone</b>	
Destache, Jacqueline	757-1325	
Eichhorst, Joan	757-1438	Division Manager
Hedman, Leah	757-1253	
Melchionne, Steve	757-1207	
Moen, Nicholas	757-1012	
Mountain, Alexandria	757-1023	
Murn, Brian	757-1031	
Olander, Katie	757-1270	
Roehrdanz, Charles	757-1376	

<b>Legal Assistants</b>	<b>Phone</b>
Day, Sue	757-1318
Moldestad, Mary	757-1232
Myers, Kristine	757-1326
Trumbo, Angela	757-1465
Woods, LaTrice	757-1307

<b>Support Staff</b>	<b>Phone</b>
Bigelow, Mary	757-1413
Foster Renner, Annabel	757-1016
Gharbi, Jane	757-1263
Harding, Patsy	757-1353
Olson, Sonna	757-1255
Olmstead, Shari	757-1302
Porter, Sarah	757-1227

State Government Services Section

Suite 1400

*David Voigt, Deputy Attorney General***Public Services Division**James Van Buskirk, Division Manager  
355-0700

The Public Services Division is the State's consumer advocate. The Division handles individual consumer complaints that come into the consumer assistance line. Office staff members can contact division members directly. Citizens with questions in these areas should be referred to the consumer assistance line: (651) 296-3353; toll free: (800) 657-3787; Minnesota Relay: (800) 627-3529.

<b>Attorneys</b>	<b>Phone</b>	
Van Buskirk, James	355-0700	Division Manager

<b>Legal Assistants – Citizen Assistance Analysts</b>	<b>Phone</b>	
Altaf, Zubda	355-0715	
Busch, Kaitlyn	355-0716	
Farrer, Justin	355-0718	
Goodin, Madalyn	355-0705	
Griesbach, Kerry	355-0719	
Hawkins-Dembley, Shirlesia	355-0713	
Mejia, Daniela	355-0724	
Pitt, Sumner	355-0738	

<b>Support Staff</b>	<b>Phone</b>	
Amsden, Donna	757-1319	
Borries, Michelle	757-1401	
Braum, Lori	757-1403	
Carlson, Sarah		
Flanders, Laura	757-1444	
Harkin, Kimberly	757-1368	
Horne, Jerri	757-1463	
Jotblad, Patti	296-7575	Receptionist
Kunkel, Debra	757-1494	
Kysylyczyn, Nancy	757-1493	
Moralez, Kim	757-1495	
Prokosch, Pamela	757-1239	
Serreyn, Sharon	757-1143	
Shields, Sharon	757-1309	
Zonn-Schmittiel, Sarah	757-1192	

*Civil Law Section**Suite 1400**James Canaday, Deputy Attorney General****Residential Utilities and Antitrust Division***James Canaday, Deputy Attorney General  
757-1421

The Residential Utilities and Antitrust Division conducts investigations and enforces federal and state antitrust laws in areas such as price fixing, bid rigging, monopolization, and mergers and acquisitions. State law cases may be brought either civilly or criminally. The Division advocates for residential and small business consumers in matters involving gas, electric and telephone utility service in administrative and litigation proceedings and before the Legislature. The Division also takes consumer enforcement action against utility companies for violation of state consumer laws. Utilities complaints should be directed to the Public Services Division.

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Berkland, Kristin	757-1236	
Canaday, James	757-1421	Deputy Attorney General, Division Manager
Kieley, Max	757-1244	
Meyer, Joseph	757-1433	
Moor, Justin	757-1060	
Scholtz, Peter	757-1473	
<b><i>Legal Assistants</i></b>	<b><i>Phone</i></b>	
Lebens, Brian	757-1351	
Lee, Shoua	757-1417	
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
Donnelly, Deanna	757-1258	
Sigal, Judy	757-1395	

### ***Schools & Higher Education Division***

The Schools and Higher Education Division represents the State's complex and varied educational system, handling most student and some faculty and staff related matters for the Minnesota State Colleges and Universities (MnSCU) system of 37 separate campuses. Other divisions throughout the Office of the Minnesota Attorney General also provide legal services to MnSCU on such issues as employment law and public finance issues. The Division represents the Chancellor's staff and MnSCU administrators at institutions throughout the State. It represents MnSCU in a variety of formal lawsuits initiated primarily by students and some former staff against the schools. The Division also handles several employment law litigated cases on behalf of MnSCU. The Division provides client advice on a wide range of issues including instituting best practices, student disciplinary proceedings, state and federal data practices, and various additional constitutional issues that arise in the context of educating, counseling and the housing of students and employment law matters.

The Division also represents the Minnesota Department of Education (MDE), the Office of Higher Education (OHE), and the Perpich Center for Arts Education and the State Academies.

MDE administers and oversees the State's K-12 education programs, including charter school issues, state and federal special education programs, state and federal data practices, the federal No Child Left Behind Act, graduation standards and testing, the child and adult food care program, and state financial audit issues and complex state education contracts issues.

The Division provides legal advice and representation to the OHE on a variety of issues that arise from OHE's administration of federal and state higher education programs, including: (1) student loan and financial aid programs; (2) registration of private and out-of-state public higher education institutions that provide programs in Minnesota; and (3) licensure of private business, trade and correspondence schools. The Division also provides legal advice and representation to the State's major pension fund programs (Teachers Retirement Association, Public Employees Retirement Association, and Minnesota State Retirement System) on a variety of issues that arise from the funds' administration.

The Division attorneys appear in the Minnesota Supreme Court, the Minnesota Court of Appeals, state district court, federal district court and the federal appellate court (8<sup>th</sup> Cir.) and the U.S. Supreme Court.

***Client Agencies:*** Minnesota State Colleges and Universities, Minnesota Department of Education, Office of Higher Education, and the Teachers Retirement Association, Public Employees Retirement Association, and Minnesota State Retirement System

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>
Cassery, Marty	757-1214
Finnerty, Kevin	757-1058
Sloan, Alec	757-1022
Woodruff, Kathryn	757-1361
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>
Gates, Jean-Anne	757-1239



*Civil Litigation Section**Suite 1100****Liz Kramer, Solicitor General******Solicitor General Division***Liz Kramer, Solicitor General  
757-1010

The Solicitor General Division provides litigation defense to a variety of clients, ranging from the Governor and other constitutional officers to various state agencies and their employees, primarily in cases challenging the constitutionality of state laws or official conduct. Provides legal advice and representation to the state judiciary. Monitors constitutional challenge notices served on the Office; receives and distributes most civil pleadings served on the Office; coordinates amicus brief participation and other civil litigation functions and reviews major pleadings and briefs before they are filed.

The Division advises the Public Utilities Commission on a broad range of issues in the regulation of telecommunications, electric and gas companies, and defends agency action on appeal in state and federal court. Advises client agency and handles federal litigation on interconnection agreements between telecommunications competitors under the Federal Telecommunications Act.

The Division defends state agencies and state employees in tort cases, such as negligence, wrongful death, defamation, excessive force, interference with business relationships, infliction of emotional distress, and federal civil rights claims. Represents the State and state agencies in employment related matters, including discrimination, harassment and other personnel claims brought in state and federal court. Advises state agencies on legal issues involving affirmative action, sexual harassment and discrimination investigations, public release of personnel data, and unfair labor practice claims.

The Division advises state agencies and defends agency action on matters involving personnel issues, student issues, special education, school district and charter school issues, real estate, open meeting and conflict of interest issues, copyright, contracts, discrimination issues and First Amendment issues.

***Client Agencies:*** Minnesota Management and Budget; represents state agencies in employment law matters, Judicial Branch, Office of the Secretary of State (Elections Division), Public Utilities Commission, Minnesota State Colleges and Universities (54 campuses) (MnSCU), Center for Arts Education

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Boman, Jeffrey	757-1013	
Campion, Jacob	757-1459	
Dobson, Ian	757-1432	
Fodness, Kathryn	757-1348	
James, Marta	757-1028	
Kimble, Janine	757-1415	
Kramer, Liz	757-1010	Solicitor General, Division Manager
Landrum, Kathryn	757-1189	
Marisam, Jason	757-1275	
Passe, Julianna	757-1136	
Tabbert, Leah	757-1217	
Taylor, Hillary	757-1177	

*Solicitor General Division (Continued)****Legal Assistants******Phone***

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Ellis, Marianne	757-1222
Kuseske, Annie	757-1324
Sterling, Linda	757-1437

***Support Staff******Phone***

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Bastian, Rea	757-1260
Brunelle, Patty	757-1416
Herbert, Georgette	757- 1249
Peick, Julie	757-1387

*Government Legal Services Section**Suite 800**Christie Eller, Deputy Attorney General****State Agencies Division***Kelly Kemp, Division Manager  
757-1481

The State Agencies Division provides legal advice to the Minnesota Department of Health (MDH) on a wide range of issues and represents the Department in all administrative and judicial litigation. The MDH has regulatory authority in many different subject areas, including protecting citizens from environmental health hazards; preventing the spread of infectious disease; investigating food poisoning outbreaks; regulating health maintenance organizations; licensing health care facilities and professionals; and investigating maltreatment of residents in nursing homes and assisted living facilities.

The Division advises client agencies including the Department of Labor and Industry (DLI) and the Department of Employment and Economic Development (DEED). Subject matter areas include workers' compensation, unemployment benefits, reemployment and job training programs, occupational safety and health (OSHA), prevailing wage, code enforcement, and labor standards, including minimum wage and overtime provisions. The Division also advises pension boards and represents the state when state employees bring pension claims. The Division advises the Minnesota Department of Veterans Affairs regarding veterans preference claims. The Division further represents the Minnesota Department of Human Rights in litigating complaints to enforce the Minnesota Human Rights Act by seeking injunctive relief and damages for victims of discrimination prohibited by state law.

The Division provides legal services to the Department of Corrections (DOC) and its correctional facilities. Services include a substantial amount of defense litigation against inmate claims and handling appeals in habeas corpus cases.

***Client Agencies:*** Department of Health, Department of Labor and Industry, Department of Corrections, Department of Employment and Economic Development, Department of Veteran's Affairs, Department of Human Rights, and the state's major pension funds (Teachers Retirement Association, Public Employees Retirement Association, and Minnesota State Retirement System)

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Bell-Munger, Rachel	757-1272	
Ditamo, Al	757-1477	
Foley, Rory	757-1447	
Forrest, Steven	757-1345	
Grosskreutz, Scott	757-1402	
Jonassen, Kevin	757-1250	
Kemp, Kelly	757-1481	Division Manager
McKenzie, Megan	757-1405	
Simon, Bradley	757-1354	
Strauss, Lindsay	757-1404	
Wright-Macleod, Corinne	757-1198	

***State Agencies Division (continued)***

<b><i>Legal Assistants</i></b>	<b><i>Phone</i></b>
Boe, Cheryl	757-1499
Klausing, Jill	757-1482
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>
Atkinson, Clara	757-1410
Geyen, Laura	757-1392
Gibbs, Alicia	757-1014
McMahon, Diane	757-1277
Tess, Rachel (50%)	757-1359

*Regulatory Law & Professions Section**Suite 800*

***Tax Litigation Division***  
Wendy Tien, Division Manager  
757-1223

The Tax Litigation Division represents the Minnesota Department of Revenue (Revenue) in taxpayer-initiated court cases appealing Revenue's state tax assessments, seeking refunds, contesting collection actions, or challenging the validity of the State's tax laws. The Division also advises the client agency and represents Revenue in the collection of all state taxes, including income, withholding, sales and use, lawful gambling, corporate income tax, controlled substance, MnCare tax, petroleum, tobacco taxes and property taxes. The Division also advises local government officials on property tax matters and assists them as needed in prosecuting and defending tax claims. The Division also represents and advises Revenue on a wide range of land matters involving tax forfeiture. The Division attorneys appear in the Minnesota Supreme Court, the Minnesota Court of Appeals, Minnesota Tax Court, state district court, federal district court and the federal appellate court (8<sup>th</sup> Cir.), the U.S. Supreme Court and Bankruptcy Court.

The Division also represents Revenue in bankruptcy matters, as well as represents several state agencies in a wide range of bankruptcy matters in Bankruptcy Court such as Minnesota Management and Budget and the Minnesota Department of Human Services. Many of these large bankruptcy cases involve significant state contracts with vendors or service providers who subsequently declare bankruptcy. The Division also represents various state agencies filing claims in Bankruptcy Court to recover state funds and protect the State's priority of claims.

**Client Agency:** Minnesota Department of Revenue

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Hamid, Mawerdi	757-1452	
Kitchak, Jennifer	757-1019	
Madison, Thomas	757-1301	
Nogosek, Kristine	757-1372	
O'Mahoney, John	757-1216	
Tien, Wendy	757-1223	Division Manager
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
Cativo Diaz, Karina	757-1001	
Pyles, Jenne	757-1323	
Rekow, Ruth Ann	757-1439	

*Government Legal Services Section**Suite 1800**Christie Eller, Deputy Attorney General****Transportation Division***Joan Eichhorst, Division Manager  
757-1438

The Transportation Division advises the client agency on a variety of issues and handles eminent domain, construction and transportation-related litigation on behalf of the State.

***Client Agencies:*** Department of Transportation

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Eichhorst, Joan	757-1438	Division Manager
Ferche, Mathew	757-1457	
Johnson, Erik	757-1476	
Marek, Joseph	757-1039	
Thompson, Jeffery	757-1312	
Young, William	757-1386	
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
Anderson, Toni	757-1080	
Manteuffel, Carolyn	757-1254	

*State Government Services Section**Suite 1900**David Voigt, Deputy Attorney General****Trials and Appeals Division***Matt Frank, Division Manager  
757-1448

The Trials and Appeals Division advises local prosecutors in the conduct of criminal trials, and prosecutes serious cases at their request. These cases primarily involve violent, gang-related, or drug-related crimes. The Civil Sex Offender Unit handles commitment of sexually dangerous persons. The Division also handles felony appeals for 80 of the State's 87 counties. Division attorneys also advise local prosecutors on a wide variety of criminal issues in prosecuting felonies.

<b><i>Attorneys</i></b>	<b><i>Phone</i></b>	
Cashman, Noah	757-1213	
Eldridge, Erin	757-1119	
Everson, Michael	757-1371	
Frank, Matt	757-1448	Division Manager
Gross, John	757-1246	
Kiese, Angela Helseth	757-1479	
Magnuson, Pete	757-1271	
McGillic, Karen	757-1406	
Stockmeyer, Edwin	757-1247	
<b><i>Legal Assistants</i></b>	<b><i>Phone</i></b>	
Dodd, Dionne	757-1234	
Kuzniar, Thomas	757-1488	
Levings, Elizabeth	757-1226	
Sloneker, Darcey	757-1357	
<b><i>Support Staff</i></b>	<b><i>Phone</i></b>	
Buchanan, Toi	757-1363	
Chalmers, Ann	757-1027	
Collins, Jane	757-1286	
Elias, Cynthia	757-1219	
Rood, Elizabeth	757-1168	

**Employee Secondment Agreement between the Office of the Minnesota Attorney General  
and the  
State Energy & Environmental Impact Center at NYU School of Law**

This AGREEMENT ("Agreement") is entered into as of May 24, 2019, by and between NEW YORK UNIVERSITY ("NYU"), a New York not-for-profit education corporation, on behalf of the NYU School of Law's State Energy and Environmental Impact Center (the "State Impact Center"), and the Office of the Minnesota Attorney General

**WHEREAS**, The State Impact Center seeks to provide a supplemental, in-house resource to state attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance; and

**WHEREAS**, As part of its activities, the State Impact Center conducts a legal fellowship program ("Legal Fellowship Program"), which seeks to provide attorneys to act as fellows in the offices of certain state attorneys general ("Legal Fellows"); and

**WHEREAS**, The Office of the Minnesota Attorney General has been selected by the State Impact Center to participate in the Legal Fellowship Program; and

**WHEREAS**, The Office of the Minnesota Attorney General has the authority consistent with applicable law and regulations to accept a Legal Fellow whose salary and benefits are provided by an outside funding source.

**NOW, THEREFORE**, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the State Impact Center and Office of the Minnesota Attorney General agree to the following:

**A. Terms of Service for the Legal Fellowship Program at the Office of the Minnesota Attorney General:**

1. The State Impact Center will provide the services of one attorney to the Office of the Minnesota Attorney General to act as a Legal Fellow. The Office of the Minnesota Attorney General shall retain the ultimate discretion and authority to recruit and select the Legal Fellow. The Legal Fellow will be employed by the State Impact Center, on assignment to the Office of the Minnesota Attorney General, and shall not be an employee of the Office of the Minnesota Attorney General.
2. The specific start and end dates for services will be determined with the mutual agreement between the Legal Fellow, the Office of the Minnesota Attorney General and the State Impact Center, provided, however, that the term of the fellowship will be for one year with the expectation that a second one-year term will follow after mutual agreement among the parties (the "Fellowship Period").
3. During the Fellowship Period, the Legal Fellow will be under the direction and



control of, and owe a duty of loyalty to, the Office of the Minnesota Attorney General, and will be subject to the Office of the Minnesota Attorney General's policies regarding workplace conduct, including the policies regarding time and attendance, outside activities, conflicts of interests, and confidentiality. The Legal Fellow will receive instruction and materials regarding these requirements from the Office of the Minnesota Attorney General at the commencement of his or her fellowship.

4. During the Fellowship Period, salary and benefits will be provided to the Legal Fellow by the NYU School of Law. The Office of the Minnesota Attorney General will not provide compensation or benefits to the Legal Fellow.
5. The Office of the Minnesota Attorney General is self-insured with respect to professional liability, and is subject to the provisions, limitations, and exclusions of the Minnesota Tort Claims Act, Minn. Stat. § 3.736, *et seq.* When acting in the course and scope of duties as a Special Assistant Attorney General, the Office of the Minnesota Attorney General considers the Legal Fellow to be volunteer under Minn. Stat. § 3.732, subd. 1(2) and accordingly subject to the defense, indemnification, and immunity provisions of the Minnesota Tort Claims Act.
6. The Office of the Minnesota Attorney General may terminate the services of the Legal Fellow at its discretion for any reason upon seven (7) days' written notice to the State Impact Center, provided that the Office of the Minnesota Attorney General will attempt to resolve any performance or other issues involving the Legal Fellow with the Legal Fellow and the State Impact Center before terminating the services of the Legal Fellow. The State Impact Center may terminate this Agreement for any reason upon seven (7) days' written notice to the Office of the Minnesota Attorney General.
7. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The Office of the Minnesota Attorney General's liability shall be governed by the Minnesota Tort Claims Act, Minnesota Statutes section 3.736 and other applicable laws.

**B. Nature of the Fellowship Position at the Office of the Minnesota Attorney General**

1. During the Fellowship Period, the Office of the Minnesota Attorney General will provide the Legal Fellow the title of Special Assistant Attorney General.
2. The Office of the Minnesota Attorney General will assign the Legal Fellow substantive work and responsibility matching that of other attorneys in the office with similar experience and background. The Legal Fellow's substantive work will be primarily on matters relating to clean energy, climate change, and environmental

matters of regional and national importance.

3. The Office of the Minnesota Attorney General will aim to include the Legal Fellow in the range of its work where possible, such as strategy discussions and court appearances.
4. The Office of the Minnesota Attorney General will afford the Legal Fellow the opportunity to partake in the extensive legal education, including CLEs, offered by the Office of the Minnesota Attorney General to its attorneys.

### **C. Prohibited Activity**

1. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to engage in any activities that would constitute any of the following:
  - a. to carry on propaganda, or otherwise attempt to influence any specific legislation through (i) an attempt to affect the opinion of the general public or any segment thereof or (ii) communication with any member or employee of a legislative body, or with any other governmental official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body, committee or subdivision), other than through making available the results of non-partisan analysis, study or research;
  - b. To engage in any other activity that may constitute lobbying under federal, state, or local laws or regulations;
  - c. to influence the outcome of any specific public election; or
  - d. to support the election or defeat of a candidate for public office, finance electioneering communications, register prospective voters or encourage the general public or any segment thereof to vote in a specific election.
2. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to participate in any matter that involves New York University or any of its affiliates; and, to the extent that the Office of the Minnesota Attorney General participates in a matter that involves New York University or any of its affiliates, the Office of the Minnesota Attorney General will create an ethical wall between the Legal Fellow and the Office of the Minnesota Attorney General with regard to the matter to ensure that the Legal Fellow has access to no information relating to the matter.
3. The Office of the Minnesota Attorney General has determined that NYU's payment of salary and benefits to the Legal Fellow and the provision of services by the Legal Fellow to the Office of the Minnesota Attorney General do not constitute an impermissible gift under applicable law or regulation. No part of this agreement is

intended to induce the Office of the Minnesota Attorney General to undertake or refrain from undertaking any action within the purview of the Office of the Minnesota Attorney General. The Office of the Minnesota Attorney General retains sole discretion to determine whether to undertake any action, including any actions relating to clean energy, climate change, and environmental matters of regional and national importance or involving New York University or any of its affiliates.

#### **D. Communications and Reporting**

1. The State Impact Center will not have a proprietary interest in the work product generated by the Legal Fellow during the fellowship. The State Impact Center will not be authorized to obtain confidential work product from the Legal Fellow unless the Legal Fellow has obtained prior authorization from the Office of the Minnesota Attorney General.
2. The Office of the Minnesota Attorney General acknowledges that New York University may be required to make filings or disclosures that reference the Office of the Minnesota Attorney General, the Legal Fellow, or the Legal Fellowship Program, and that the Office of the Minnesota Attorney General is not required to review or approve any such filings except where New York University requests such review or approval and except as required by applicable law.
3. Notifications to the Office of the Minnesota Attorney General relating to this agreement should be directed to John Keller, Chief Deputy.
4. Notifications to the State Impact Center relating to this agreement should be directed to Elizabeth Klein, Deputy Director, State Energy & Environmental Impact Center at NYU School of Law, 1015 15th Street NW, Suite 600, Washington, DC 20005; 202-641-8364; [Elizabeth.klein@nyu.edu](mailto:Elizabeth.klein@nyu.edu).

#### **E. Miscellaneous**

1. This Agreement constitutes the complete understanding of the parties and supersedes any other agreements between the parties. No amendment to this Agreement will be valid and binding unless reduced to writing and signed by the parties.
2. This agreement shall not be assigned by either party without the consent of the other party.
3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange copies of this Agreement and signature pages in electronic form.

Dated: May \_\_\_, 2019

New York University

By: 

\_\_\_\_\_  
David J. Hayes  
Executive Director  
State Energy & Environmental Impact Center

Dated: May 28, 2019

Office of the Minnesota Attorney General

By:   
Name: Liz Kramer  
Title: Solicitor General – State of Minnesota

204257524.1

Second Employee Secondment Agreement between the Office of the Minnesota Attorney  
General and the  
State Energy & Environmental Impact Center at NYU School of Law

This AGREEMENT ("Agreement") is entered into as of June 5, 2019, by and between NEW YORK UNIVERSITY ("NYU"), a New York not-for-profit education corporation, on behalf of the NYU School of Law's State Energy and Environmental Impact Center (the "State Impact Center"), and the Office of the Minnesota Attorney General

**WHEREAS**, The State Impact Center seeks to provide a supplemental, in-house resource to state attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance; and

**WHEREAS**, As part of its activities, the State Impact Center conducts a legal fellowship program ("Legal Fellowship Program"), which seeks to provide attorneys to act as fellows in the offices of certain state attorneys general ("Legal Fellows"); and

**WHEREAS**, The State Impact Center has expanded its Legal Fellowship Program to support additional legal fellows with clean energy expertise; and

**WHEREAS**, The Office of the Minnesota Attorney General has been selected by the State Impact Center to participate in the Legal Fellowship Program; and

**WHEREAS**, The Office of the Minnesota Attorney General has the authority consistent with applicable law and regulations to accept a Legal Fellow whose salary and benefits are provided by an outside funding source.

**NOW, THEREFORE**, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the State Impact Center and Office of the Minnesota Attorney General agree to the following:

**A. Terms of Service for the Legal Fellowship Program at the Office of the Minnesota Attorney General:**

1. The State Impact Center will provide the services of one attorney to the Office of the Minnesota Attorney General to act as a Legal Fellow. The Office of the Minnesota Attorney General shall retain the ultimate discretion and authority to recruit and select the Legal Fellow. The Legal Fellow will be employed by the State Impact Center, on assignment to the Office of the Minnesota Attorney General, and shall not be an employee of the Office of the Minnesota Attorney General.
2. The specific start and end dates for services will be determined with the mutual agreement between the Legal Fellow, the Office of the Minnesota Attorney General and the State Impact Center, provided, however, that the term of the fellowship will be for one year with the expectation that a second one-year term will follow after mutual

agreement among the parties (the "Fellowship Period").

3. During the Fellowship Period, the Legal Fellow will be under the direction and control of, and owe a duty of loyalty to, the Office of the Minnesota Attorney General, and will be subject to the Office of the Minnesota Attorney General's policies regarding workplace conduct, including the policies regarding time and attendance, outside activities, conflicts of interests, and confidentiality. The Legal Fellow will receive instruction and materials regarding these requirements from the Office of the Minnesota Attorney General at the commencement of his or her fellowship.
4. During the Fellowship Period, salary and benefits will be provided to the Legal Fellow by the NYU School of Law. The Office of the Minnesota Attorney General will not provide compensation or benefits to the Legal Fellow.
5. The Office of the Minnesota Attorney General is self-insured with respect to professional liability, and is subject to the provisions, limitations, and exclusions of the Minnesota Tort Claims Act, Minn. Stat. § 3.736, *et seq.* When acting in the course and scope of duties as a Special Assistant Attorney General, the Office of the Minnesota Attorney General considers the Legal Fellow to be volunteer under Minn. Stat. § 3.732, subd. 1(2) and accordingly subject to the defense, indemnification, and immunity provisions of the Minnesota Tort Claims Act.
6. The Office of the Minnesota Attorney General may terminate the services of the Legal Fellow at its discretion for any reason upon seven (7) days' written notice to the State Impact Center, provided that the Office of the Minnesota Attorney General will attempt to resolve any performance or other issues involving the Legal Fellow with the Legal Fellow and the State Impact Center before terminating the services of the Legal Fellow. The State Impact Center may terminate this Agreement for any reason upon seven (7) days' written notice to the Office of the Minnesota Attorney General.
7. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The Office of the Minnesota Attorney General's liability shall be governed by the Minnesota Tort Claims Act, Minnesota Statutes section 3.736 and other applicable laws.

**B. Nature of the Fellowship Position at the Office of the Minnesota Attorney General**

1. During the Fellowship Period, the Office of the Minnesota Attorney General will provide the Legal Fellow the title of Special Assistant Attorney General.
2. The Office of the Minnesota Attorney General will assign the Legal Fellow substantive work and responsibility matching that of other attorneys in the office with

similar experience and background. The Legal Fellow's substantive work will be primarily on matters relating to clean energy matters of regional and national importance.

3. The Office of the Minnesota Attorney General will aim to include the Legal Fellow in the range of its work where possible, such as strategy discussions and court appearances.
4. The Office of the Minnesota Attorney General will afford the Legal Fellow the opportunity to partake in the extensive legal education, including CLEs, offered by the Office of the Minnesota Attorney General to its attorneys.

### **C. Prohibited Activity**

1. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to engage in any activities that would constitute any of the following:
  - a. to carry on propaganda, or otherwise attempt to influence any specific legislation through (i) an attempt to affect the opinion of the general public or any segment thereof or (ii) communication with any member or employee of a legislative body, or with any other governmental official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body, committee or subdivision), other than through making available the results of non-partisan analysis, study or research;
  - b. To engage in any other activity that may constitute lobbying under federal, state, or local laws or regulations;
  - c. to influence the outcome of any specific public election; or
  - d. to support the election or defeat of a candidate for public office, finance electioneering communications, register prospective voters or encourage the general public or any segment thereof to vote in a specific election.
2. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to participate in any matter that involves New York University or any of its affiliates; and, to the extent that the Office of the Minnesota Attorney General participates in a matter that involves New York University or any of its affiliates, the Office of the Minnesota Attorney General will create an ethical wall between the Legal Fellow and the Office of the Minnesota Attorney General with regard to the matter to ensure that the Legal Fellow has access to no information relating to the matter.
3. The Office of the Minnesota Attorney General has determined that NYU's payment of salary and benefits to the Legal Fellow and the provision of services by the Legal

Fellow to the Office of the Minnesota Attorney General do not constitute an impermissible gift under applicable law or regulation. No part of this agreement is intended to induce the Office of the Minnesota Attorney General to undertake or refrain from undertaking any action within the purview of the Office of the Minnesota Attorney General. The Office of the Minnesota Attorney General retains sole discretion to determine whether to undertake any action, including any actions relating to clean energy matters of regional and national importance or involving New York University or any of its affiliates.

#### **D. Communications and Reporting**

1. The State Impact Center will not have a proprietary interest in the work product generated by the Legal Fellow during the fellowship. The State Impact Center will not be authorized to obtain confidential work product from the Legal Fellow unless the Legal Fellow has obtained prior authorization from the Office of the Minnesota Attorney General.
2. The Office of the Minnesota Attorney General acknowledges that New York University may be required to make filings or disclosures that reference the Office of the Minnesota Attorney General, the Legal Fellow, or the Legal Fellowship Program, and that the Office of the Minnesota Attorney General is not required to review or approve any such filings except where New York University requests such review or approval and except as required by applicable law.
3. Notifications to the Office of the Minnesota Attorney General relating to this agreement should be directed to John Keller, Chief Deputy.
4. Notifications to the State Impact Center relating to this agreement should be directed to Elizabeth Klein, Deputy Director, State Energy & Environmental Impact Center at NYU School of Law, 1015 15th Street NW, Suite 600, Washington, DC 20005; 202-641-8364; [Elizabeth.klein@nyu.edu](mailto:Elizabeth.klein@nyu.edu).

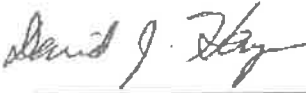
#### **E. Miscellaneous**

1. This Agreement constitutes the complete understanding of the parties and supersedes any other agreements between the parties. No amendment to this Agreement will be valid and binding unless reduced to writing and signed by the parties.
2. This agreement shall not be assigned by either party without the consent of the other party.
3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange copies of this Agreement and signature pages in electronic form.



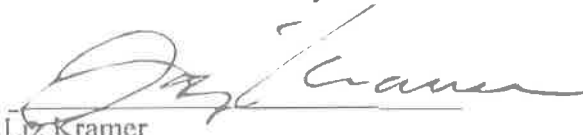
Dated: June 5, 2019

New York University

By:   
David J. Hayes  
Executive Director  
State Energy & Environmental Impact Center

Dated: June 5, 2019

Office of the Minnesota Attorney General

By:   
Name: Liz Kramer  
Title: Solicitor General – State of Minnesota

204257524.1

**Employee Secondment Agreement between the Office of the Minnesota Attorney General  
and the  
State Energy & Environmental Impact Center at NYU School of Law**

This AGREEMENT ("Agreement") is entered into as of May 24, 2019, by and between NEW YORK UNIVERSITY ("NYU"), a New York not-for-profit education corporation, on behalf of the NYU School of Law's State Energy and Environmental Impact Center (the "State Impact Center"), and the Office of the Minnesota Attorney General

**WHEREAS**, The State Impact Center seeks to provide a supplemental, in-house resource to state attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance; and

**WHEREAS**, As part of its activities, the State Impact Center conducts a legal fellowship program ("Legal Fellowship Program"), which seeks to provide attorneys to act as fellows in the offices of certain state attorneys general ("Legal Fellows"); and

**WHEREAS**, The Office of the Minnesota Attorney General has been selected by the State Impact Center to participate in the Legal Fellowship Program; and

**WHEREAS**, The Office of the Minnesota Attorney General has the authority consistent with applicable law and regulations to accept a Legal Fellow whose salary and benefits are provided by an outside funding source.

**NOW, THEREFORE**, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the State Impact Center and Office of the Minnesota Attorney General agree to the following:

**A. Terms of Service for the Legal Fellowship Program at the Office of the Minnesota Attorney General:**

1. The State Impact Center will provide the services of one attorney to the Office of the Minnesota Attorney General to act as a Legal Fellow. The Office of the Minnesota Attorney General shall retain the ultimate discretion and authority to recruit and select the Legal Fellow. The Legal Fellow will be employed by the State Impact Center, on assignment to the Office of the Minnesota Attorney General, and shall not be an employee of the Office of the Minnesota Attorney General.
2. The specific start and end dates for services will be determined with the mutual agreement between the Legal Fellow, the Office of the Minnesota Attorney General and the State Impact Center, provided, however, that the term of the fellowship will be for one year with the expectation that a second one-year term will follow after mutual agreement among the parties (the "Fellowship Period").
3. During the Fellowship Period, the Legal Fellow will be under the direction and

control of, and owe a duty of loyalty to, the Office of the Minnesota Attorney General, and will be subject to the Office of the Minnesota Attorney General's policies regarding workplace conduct, including the policies regarding time and attendance, outside activities, conflicts of interests, and confidentiality. The Legal Fellow will receive instruction and materials regarding these requirements from the Office of the Minnesota Attorney General at the commencement of his or her fellowship.

4. During the Fellowship Period, salary and benefits will be provided to the Legal Fellow by the NYU School of Law. The Office of the Minnesota Attorney General will not provide compensation or benefits to the Legal Fellow.
5. The Office of the Minnesota Attorney General is self-insured with respect to professional liability, and is subject to the provisions, limitations, and exclusions of the Minnesota Tort Claims Act, Minn. Stat. § 3.736, *et seq.* When acting in the course and scope of duties as a Special Assistant Attorney General, the Office of the Minnesota Attorney General considers the Legal Fellow to be volunteer under Minn. Stat. § 3.732, subd. 1(2) and accordingly subject to the defense, indemnification, and immunity provisions of the Minnesota Tort Claims Act.
6. The Office of the Minnesota Attorney General may terminate the services of the Legal Fellow at its discretion for any reason upon seven (7) days' written notice to the State Impact Center, provided that the Office of the Minnesota Attorney General will attempt to resolve any performance or other issues involving the Legal Fellow with the Legal Fellow and the State Impact Center before terminating the services of the Legal Fellow. The State Impact Center may terminate this Agreement for any reason upon seven (7) days' written notice to the Office of the Minnesota Attorney General.
7. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The Office of the Minnesota Attorney General's liability shall be governed by the Minnesota Tort Claims Act, Minnesota Statutes section 3.736 and other applicable laws.

**B. Nature of the Fellowship Position at the Office of the Minnesota Attorney General**

1. During the Fellowship Period, the Office of the Minnesota Attorney General will provide the Legal Fellow the title of Special Assistant Attorney General.
2. The Office of the Minnesota Attorney General will assign the Legal Fellow substantive work and responsibility matching that of other attorneys in the office with similar experience and background. The Legal Fellow's substantive work will be primarily on matters relating to clean energy, climate change, and environmental

matters of regional and national importance.

3. The Office of the Minnesota Attorney General will aim to include the Legal Fellow in the range of its work where possible, such as strategy discussions and court appearances.
4. The Office of the Minnesota Attorney General will afford the Legal Fellow the opportunity to partake in the extensive legal education, including CLEs, offered by the Office of the Minnesota Attorney General to its attorneys.

### **C. Prohibited Activity**

1. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to engage in any activities that would constitute any of the following:
  - a. to carry on propaganda, or otherwise attempt to influence any specific legislation through (i) an attempt to affect the opinion of the general public or any segment thereof or (ii) communication with any member or employee of a legislative body, or with any other governmental official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body, committee or subdivision), other than through making available the results of non-partisan analysis, study or research;
  - b. To engage in any other activity that may constitute lobbying under federal, state, or local laws or regulations;
  - c. to influence the outcome of any specific public election; or
  - d. to support the election or defeat of a candidate for public office, finance electioneering communications, register prospective voters or encourage the general public or any segment thereof to vote in a specific election.
2. The Office of the Minnesota Attorney General may not request or permit the Legal Fellow to participate in any matter that involves New York University or any of its affiliates; and, to the extent that the Office of the Minnesota Attorney General participates in a matter that involves New York University or any of its affiliates, the Office of the Minnesota Attorney General will create an ethical wall between the Legal Fellow and the Office of the Minnesota Attorney General with regard to the matter to ensure that the Legal Fellow has access to no information relating to the matter.
3. The Office of the Minnesota Attorney General has determined that NYU's payment of salary and benefits to the Legal Fellow and the provision of services by the Legal Fellow to the Office of the Minnesota Attorney General do not constitute an impermissible gift under applicable law or regulation. No part of this agreement is

intended to induce the Office of the Minnesota Attorney General to undertake or refrain from undertaking any action within the purview of the Office of the Minnesota Attorney General. The Office of the Minnesota Attorney General retains sole discretion to determine whether to undertake any action, including any actions relating to clean energy, climate change, and environmental matters of regional and national importance or involving New York University or any of its affiliates.

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1. The State Impact Center will not have a proprietary interest in the work product generated by the Legal Fellow during the fellowship. The State Impact Center will not be authorized to obtain confidential work product from the Legal Fellow unless the Legal Fellow has obtained prior authorization from the Office of the Minnesota Attorney General.
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3. Notifications to the Office of the Minnesota Attorney General relating to this agreement should be directed to John Keller, Chief Deputy.
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3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange copies of this Agreement and signature pages in electronic form.

Dated: May \_\_\_, 2019

New York University

By: 

\_\_\_\_\_  
David J. Hayes  
Executive Director  
State Energy & Environmental Impact Center

Dated: May 28, 2019

Office of the Minnesota Attorney General

By:   
Name: Liz Kramer  
Title: Solicitor General – State of Minnesota

204257524.1

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3. Notifications to the Office of the Minnesota Attorney General relating to this agreement should be directed to John Keller, Chief Deputy.
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3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange copies of this Agreement and signature pages in electronic form.

Dated: June 5, 2019

New York University

By: 

David J. Hayes

Executive Director

State Energy & Environmental Impact Center

Dated: June 5, 2019

Office of the Minnesota Attorney General

By: 

Name: Liz Kramer

Title: Solicitor General – State of Minnesota

204257524.1

MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST

March 7, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** Attorney.General@ag.state.mn.us  
**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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, 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) Oliver Larson, ii) Leigh Currie and/or iii) Pete Surdo, 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) Oliver Larson, ii) Leigh Currie and/or iii) Pete Surdo,

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.<sup>1</sup>

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

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<sup>1</sup> 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](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.<sup>2</sup> 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

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<sup>2</sup> <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](mailto:MatthewDHardin@protonmail.com). Please direct correspondence regarding this request (including correspondence containing the records requested) via email to that address if at all possible.

Sincerely,

Matthew D. Hardin





The Office of  
**Minnesota Attorney General Keith Ellison**  
helping people afford their lives and live with dignity and respect • [www.ag.state.mn.us](http://www.ag.state.mn.us)

May 14, 2020

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
c/o Registered Agents Inc.  
170 S. Lincoln, Ste. 150  
Spokane, WA 99201

Dear Mr. Hardin:

I write in response to your correspondence dated March 6, in which you request that this Office provide you with:

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) Oliver Larson, ii) Leigh Currie and/or iii) Pete Surdo, 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) Oliver Larson, ii) Leigh Currie and/or iii) Pete Surdo, 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.

This Office is obligated to make available “Government data” classified as “public” pursuant to the Minnesota Government Data Practices Act (“MGDPA”). *See* Minn. Stat. § 13.01 *et seq.* The MGDPA defines “Government data” as “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.” Minn. Stat. § 13.02, subd. 7.

Mr. Matthew D. Hardin, Executive Director  
Energy Policy Advocates  
May 14, 2020  
Page 2

The documents potentially responsive to your requests are enclosed. Certain materials potentially responsive to your request are not classified as publicly available on the bases that: (1) they relate to a pending civil action or investigation and are classified as nonpublic data or confidential pursuant to Minn. Stat. § 13.39, subd. 1 or 13.65; or (2) they are attorney-client or work-product privileged and not subject to the data practices act pursuant to Minn. Stat. § 13.393.

Sincerely,



OLIVER J. LARSON  
Assistant Attorney General

(651) 757-1265 (Voice)  
(651) 297-1235 (Fax)  
oliver.larson@ag.state.mn.us

Enclosures

|#4709670-v1

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## THE TRANSFORMATION OF THE ENERGY SECTOR

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### EPA

#### Trump carbon rule defense: A double-edged sword?

Niina H. Farah, E&E News reporter

Published: Tuesday, November 5, 2019



The E. Barrett Prettyman building in Washington, D.C., is home to the U.S. Court of Appeals for the District of Columbia Circuit. Ellen M. Gfeller/E&E News

The Trump administration's courtroom defense of its Clean Power Plan repeal could blunt its own efforts to craft standards for carbon dioxide emissions from power plants, legal experts say.

EPA has taken an unexpected approach to defending its rollback of the Obama-era rule against challenges by states, environmental groups, public health organizations, and even industry and conservative groups in federal court, Joseph Goffman and Caitlin McCoy of Harvard University's Environmental and Energy Law Program wrote in a recent [analysis](#).

"They are using a strategy that is riskier than it needs to be," said McCoy, a clean air and energy fellow in the Harvard program. "They are seeking a ruling that constrains their authority under the Clean Air Act.



Joseph Goffman, EPA

"They are actually trying to limit their own authority and the authority of future administrations to take action on pollution from existing power plants."

McCoy and Goffman, executive director of the Harvard program and a key architect of the Obama-era Clean Power Plan, say EPA is looking to the U.S. Court of Appeals for the District of Columbia Circuit, where challengers of the Affordable Clean Energy rule have filed their complaints, for support of the agency's new position within the text of the Clean Air Act.

The statutory language, Trump's EPA argues, does not allow for actions like emissions trading or generation shifting that are at the heart of the Clean Power Plan.

At the same time, EPA is forgoing asking the court to defer to its interpretation of the Clean Air Act — a much more common agency strategy in litigation over rulemaking.

But if the judges don't buy the Trump administration's argument on the statutory language, they could instruct EPA to rethink its strategy.

That not only would delay implementation of the Trump administration's replacement rule, but also would mean EPA would lose its "high-reward path" of judicial support for a narrower reading of the agency's authority under the Clean Air Act, McCoy said.

An EPA spokesman said it is up to Congress to define the limits of EPA's power to regulate greenhouse gas emissions.

"EPA must rely on Congress to grant additional authority when needed, rather than pretend EPA has the ability to make its own laws if it can simply describe a grave enough problem, as was attempted in the Clean Power Plan," EPA press secretary Michael Abboud wrote in an email.

EXHIBIT J



Caitlin McCoy, McCoy/LinkedIn

He also pointed to Goffman's own connection to the Clean Power Plan, a rule that Trump's EPA has maintained overstepped states' jurisdiction with its broad focus on electrical generation and distribution systems. While he was at EPA, Goffman's legal approach had been that "a very small paragraph" of the Clean Air Act was ambiguous, Abboud wrote.

"Our approach is to restore the longstanding EPA understanding of the CAA that stood across multiple administrations," Abboud added.

"We're not surprised that the Harvard article deemphasizes that point, nor are we surprised that Mr. Goffman continues to advocate for vast power to be attributed to EPA by questioning the rule of law approach that we take in the ACE rule," he wrote.

"To remain a nation of laws and not of men, EPA must remain faithful to the legal authority granted to us."

### 'The crux of the problem'

When an agency presents an argument that it is making a reasonable interpretation of the law, courts will often defer to the agency's expertise under the doctrine known as *Chevron* deference.

But EPA might have trouble defending a rule that says the best approach for states to reduce emissions from existing power plants is to take action at the facility level, or "inside the fence line," Goffman and other legal experts said.

EPA could have argued both that the Clean Air Act compelled the agency's interpretation that power plant regulations could only use an "inside the fence line" approach, and that — even in the event that it didn't — EPA had selected a reasonable option among a number of possibilities in developing the ACE rule, Goffman said.

"The riddle is, why didn't they do that?" he said. "Why did they just argue that the statutory language is compelled and not argue that it is reasonable?"

Goffman said the agency may have avoided this route because it did not want the court to analyze the record in the case.

For example, EPA would have to defend as reasonable its exclusion from the ACE rule practices like emissions trading and generation shifting that already exist in the power sector and had been included in two prior rules under Clean Air Act Section 111(d), which governs existing sources of air pollution.

"If you look at the record, the agency is saying Congress meant for us to ignore the most important information available," Goffman said. "That's where the house of cards collapses."

The Harvard analysis homes in on "the crux of the problem" EPA faces by turning away from the agency's prior readings of the Clean Air Act, said David Hayes, executive director of the New York University School of Law's State Energy & Environmental Impact Center.

In crafting the Clean Power Plan, EPA interpreted the statute to allow for power plants to switch to lower-emitting fuels, or to use emissions trading, as potential compliance methods. A decade earlier, the agency came to a similar conclusion in the 2005 Clean Air Mercury Rule, which also interpreted the "best system of emissions reductions" to include emissions trading.

Hayes said EPA was "putting all its eggs in one basket" by saying that the language of the Clean Air Act was so clear and unambiguous that the court didn't have to look at how the agency had interpreted the statute in the past.

"It tries to stonewall these previous interpretations; it does not acknowledge them; it doesn't explain them away," he said. "It focuses on what I think is a tortured reading of the language to limit the possibility of a system only within the fence line."

### Rule redo?

The D.C. Circuit could decide to send the agency back to work on its carbon rule — or maybe even revive the Clean Power Plan, legal experts say.

"If they decide the rule has no legal basis, it would seem they should vacate the rule, both the ACE and the repeal rule," said Lewis & Clark Law School professor William Funk.

Such a ruling could also leave an opening for a future administration to build on the Clean Power Plan to develop even tighter standards for power plant emissions from existing sources.

EPA's main focus isn't upholding the ACE rule, but ensuring a more strategic approach to greenhouse gas emissions controls under future administrations, said Bracewell LLP partner Jeff Holmstead.

He questioned whether the D.C. Circuit would have the legal authority to bring back the Clean Power Plan, which the Supreme Court froze as litigation played out over the Obama rule. Those lawsuits have since been dismissed.

"They wouldn't say EPA's interpretation was incorrect," said Holmstead, a former EPA official under the George W. Bush administration. "The only risk to the agency is that the D.C. Circuit disagrees and says the agency's discretion is broader than you think."

In that case, EPA would have to go back to the drawing board on its power plant rule.

"I think the main motivation for the administration is they did want to establish the limits of what EPA can do under Section 111," he said.

### ACE rule's legal future

The legal battle over EPA's carbon rule could eventually get to the Supreme Court.

Holmstead said the chances that the justices would take the case are "quite high," given the contentious and highly visible nature of the conflict over power plant regulation.

But first, the D.C. Circuit must decide whether to grant a request by EPA and its allies to expedite the appeals court litigation and must — eventually — rule in the case.

ACE rule challengers have urged the court not to fast-track the proceedings.

"I think the administration should be concerned — as explained in the paper — [the court] may remand back to the agency, and that would complicate the ability to take this directly back to the Supreme Court," said Hayes of the State Energy & Environmental Impact Center.

The D.C. Circuit has not yet scheduled oral arguments in the consolidated ACE rule lawsuit, which challengers launched this summer.

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Twitter: @nliina\_h\_farah | Email: [nfarah@eenews.net](mailto:nfarah@eenews.net)

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MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST

April 28, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** datapractices@ag.state.mn.us

**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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, 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 Pete Surdo and/or Rachel Tess 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.

**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](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.<sup>1</sup>

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

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<sup>1</sup> 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](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.<sup>2</sup> The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

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<sup>2</sup> <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](mailto:MatthewDHardin@protonmail.com).

Sincerely,

Matthew D. Hardin

MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST

May 15, 2020

Keith Ellison, Esq.  
Or Responsible Authority  
Office of the Attorney General  
445 Minnesota St.  
Suite 1400  
St. Paul, MN 55101-2131

**By Electronic Mail:** datapractices@ag.state.mn.us  
**Re:** Certain 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, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §13.01, *et seq.*, I hereby request copies of the following records: any common interest agreement entered into by the Department of the Attorney General at any time in 2019 or 2020.

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.<sup>1</sup>

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

Sincerely,

Matthew D. Hardin

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<sup>1</sup> 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](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/>.