



March 31, 2020

VIA ELECTRONIC MAIL

Public Records Act Officer
Office of the Governor
1303 10th Street, Suite 1173
Sacramento, CA 95814
govlegalunit@gov.ca.gov
govpressooffice@gov.ca.gov

Re: Public Records Request

Dear Public Records Officer:

Pursuant to California's Public Records Act, as codified at Cal. Gov't Code §§ 6250 through 6276.48, American Oversight makes the following request for records.

In the midst of the national emergency caused by the novel coronavirus outbreak, multiple reports have suggested that the president has left state governors without significant federal support.¹ American Oversight seeks public records with the potential to shed light on whether and to what extent the federal government has lagged in its response to states' pleas for federal aid.

Requested Records

American Oversight requests that the California Office of the Governor promptly produce the following:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and attachments thereto) **sent** by A) the specified officials in the Office of the Governor **to** B) representatives of the federal government with **email addresses ending in cdc.gov, fema.dhs.gov, hhs.gov, fda.gov, eop.gov, or mail.mil**, containing any of the key terms listed below.

Specified Officials:

¹ Quint Forgy, 'We're Not a Shipping Clerk': Trump Tells Governors to Step Up Efforts to Get Medical Supplies, POLITICO (Mar. 19, 2020, 3:30 PM), <https://www.politico.com/news/2020/03/19/trump-governors-coronavirus-medical-supplies-137658>; Jonathan Martin, *Trump to Governors on Ventilators: 'Try Getting It Yourselves,'* N.Y. TIMES, Mar. 16, 2020, <https://www.nytimes.com/2020/03/16/us/politics/trump-coronavirus-respirators.html>; Eric Lipton et al., *Trump Slowly Enlisting More Agencies in 'Whole of Government' Response to Virus,* N.Y. TIMES, Mar. 17, 2020, <https://www.nytimes.com/2020/03/17/us/politics/coronavirus-government-army-corps.html>.



- a) Governor, Gavin Newsom
- b) Chief of Staff, Ann O’Leary
- c) Deputy Chief of Staff, Lindsey Cobia
- d) Cabinet Secretary, Ana Matosantos
- e) Director of Operations, Erin Suhr
- f) Communications Director, Nathan Click
- g) External Affairs Director, Priscilla Cheng
- h) Senior Advisor on Federal Affairs, Katie Wheeler Matthews
- i) Deputy Director of Operations, Sabrina Joyce
- j) Senior Advisor on Emergency Preparedness and Management, Rhys Williams
- k) Legislative Affairs Secretary, Anthony Williams

Key terms:

- 1) Test
- 2) Testing
- 3) Kit
- 4) Defect
- 5) coronavirus
- 6) COVID
- 7) “SARS-cov-2”
- 8) “2019-nCoV”
- 9) EUA
- 10) “Emergency Use”
- 11) LDT
- 12) CLIA
- 13) 564
- 14) Epidemic
- 15) Pandemic
- 16) “Army Corps”
- 17) ACE
- 18) “face mask”
- 19) N95
- 20) Ventilator
- 21) ICU
- 22) “surge capacity”
- 23) “hospital bed”
- 24) Panic
- 25) Alarm
- 26) Desperate
- 27) Disaster
- 28) Relief
- 29) Primer
- 30) “Viral RNA”
- 31) Reagent

- 32) Swabs
- 33) "Drive-thru"
- 34) "Drive thru"
- 35) PPE
- 36) Shortage
- 37) Shortages
- 38) "Defense Production Act"
- 39) DPA
- 40) Nationalize
- 41) Travis
- 42) TAFB
- 43) Miramar
- 44) MCASM
- 45) "March Air Reserve"
- 46) MARB
- 47) "Grand Princess"
- 48) "UC Davis Medical Center"
- 49) "UC Davis Health"
- 50) "UCDMC"

Please provide all responsive records from February 10, 2020, to March 19, 2020.

American Oversight has limited its request to sent messages to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if a government official sent a response to an incoming message containing one of the key terms above, the email chain containing the initially received message and the response is responsive to this request.

We understand that your office's capacity may be impacted by the COVID-19 outbreak and response efforts. Should that be the case, we would be happy to discuss potential streamlining or narrowing of our request, reasonable delays in processing this request, or other accommodations. Please feel free to contact us at the telephone number listed in the final paragraph of this letter; we look forward to working with you.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics, and includes any attachments to these records

American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your

position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.²

As an American Oversight is a public interest organization dedicated to serving the public, we request that you grant a fee waiver. **Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.**

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this

² American Oversight currently has approximately 15,500 page likes on Facebook and 102,400 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Mar. 18, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Mar. 18, 2020).

request, have any questions, or foresee any problems in fully releasing the requested records, please contact Christine Monahan at foia@americanoversight.org or (202) 869-5244.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers
Executive Director
American Oversight