



April 6, 2020

VIA ELECTRONIC MAIL

Attn: Jotonna Tulloch
Open Records Custodian
40 Capitol Square, SW
Atlanta, GA 30334
open_records@law.ga.gov

Re: Open Records Request

Dear Ms. Tulloch:

Pursuant to the Georgia Open Records Law (O.C.G.A. § 50-18-70 et seq.), American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Georgia Attorney General produce the following within three business days, or provide a written description of any responsive records with a timetable for their production within three business days:

All text messages sent to or received by Attorney General Christopher M. Carr, or anyone communicating on his behalf, such as a scheduler or assistant, regarding the Affordable Care Act, including litigation to declare the individual mandate unconstitutional.

American Oversight believes that records containing the terms listed below are likely to be responsive records, and requests that your office, at a minimum, employ these search terms to identify responsive records:

- i. "Affordable Care Act"
- ii. ACA
- iii. Obamacare
- iv. Repeal
- v. Mandate
- vi. "Texas v. California"
- vii. "TX v. CA"
- viii. "TX v CA"
- ix. Becerra
- x. Healthcare
- xi. "Health care"
- xii. "Fifth Circuit"
- xiii. "5th Circuit"
- xiv. "5th Cir"



- xv. “Supreme Court”
- xvi. SCOTUS
- xvii. Unconstitutional
- xviii. “Texas v. US”
- xix. “TX v. US”
- xx. “TX v US”
- xxi. Azar
- xxii. NFIB
- xxiii. O’Connor
- xxiv. Sever
- xxv. Severed
- xxvi. Severability
- xxvii. TCJA
- xxviii. “Tax Cuts and Jobs Act”
- xxix. “Tax reform”
- xxx. “Taxing power”
- xxxi. “Shared responsibility payment”
- xxxii. Hurley
- xxxiii. Nantz
- xxxiv. Henneke
- xxxv. TPPF
- xxxvi. “Texas Public Policy Foundation”

Please provide all responsive records from February 1, 2018, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In addition, American Oversight insists that the Attorney General’s Office 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. **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 office 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 or TIF 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.¹

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Emma Lewis at foia@americanoversight.org or 202.919.6303.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

¹ American Oversight currently has approximately 15,500 page likes on Facebook and 102,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 3, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 3, 2020).