



May 8, 2020

VIA ONLINE PORTAL

Louisiana Department of Health
628 N. 4th Street
Baton Rouge, LA 70802
Via Online Portal

Re: Public Records Law Request

Dear Records Access Officer:

Pursuant to the Public Records Law, La. Rev. Stat. §§ 44:1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Louisiana Department of Health produce the following records within five business days:

1. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (A) the Department of Health officials below, and (B) anyone from the White House (who.eop.gov), the Centers for Disease Control and Prevention (cdc.gov), the National Institutes of Health (nih.gov), or the Department of Health and Human Services (hhs.gov), that include any of the key terms listed below.
 - a) Department of Health Secretary Dr. Courtney Phillips
 - b) Chief of Staff Tonya Joiner
 - c) Deputy Secretary Mark Thomas
 - d) Undersecretary Cindy Rives
 - e) Director of Governmental Relations & Community Partnerships Lauren Gleason
 - f) State Health Officer Dr. Jimmy Guidry
 - g) Undersecretary Cindy Rives
 - h) Chief of Staff to the Deputy Secretary David Timoll

Key Terms

- | | |
|----------------|-------------|
| a) Coronavirus | d) Disease |
| b) Corona | e) Pandemic |
| c) Virus | f) Epidemic |



- g) Outbreak
- h) COVID
- i) “2019-nCOV”

- j) Hoax
- k) Cluster
- l) Asymptomatic

Please provide all responsive records from February 7, 2020, to March 15, 2020.

2. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (A) the officials listed in Column A, and (B) the officials listed in Column B, that include any of the key terms listed below.

Column A: Department of Health Officials	Column B: City and State Officials
<ul style="list-style-type: none"> a) Department of Health Secretary Dr. Courtney Phillips b) Chief of Staff Tonya Joiner c) Deputy Secretary Mark Thomas d) Undersecretary Cindy Rives e) Director of Governmental Relations & Community Partnerships Lauren Gleason f) State Health Officer Dr. Jimmy Guidry g) Undersecretary Cindy Rives h) Chief of Staff to the Deputy Secretary David Timoll 	<ul style="list-style-type: none"> a) New Orleans Mayor Latoya Jackson Cantrell (latoya.cantrell@nola.gov, mayor@nola.gov) b) Chief Administrative Officer Gilbert Montano (Gilbert.Montano@nola.gov) c) Chief of Staff John Pourciau (jdpourciau@nola.gov) d) Deputy Chief of Staff Liana Elliott (Liana.Elliott@nola.gov) e) Medical Director Dr. Emily Nichols (emily.nichols@nola.gov) f) Director Collin Arnold, Office of Homeland Security & Emergency Preparedness (Collin.Arnold@nola.gov) g) Governor John Bel Edwards h) Chief of Staff Mark Cooper (mark.cooper@la.gov) i) Deputy Chief of Staff Christina Stephens (Christina.Stephens@la.gov) j) Deputy Chief of Staff Toye Taylor (Toye.Taylor@la.gov) k) Deputy Chief of Staff Adren Wilson (Adren.Wilson@la.gov) l) Communications Director Shauna Sanford (Shauna.Sanford@la.gov) m) Policy Director Adam Eitmann (Adam.Eitmann@la.gov)

Key Terms

- | | |
|----------------|-----------------|
| a) Coronavirus | g) Outbreak |
| b) Corona | h) COVID |
| c) Virus | i) “2019-nCOV” |
| d) Disease | j) Hoax |
| e) Pandemic | k) Cluster |
| f) Epidemic | l) Asymptomatic |

Please provide all responsive records from February 7, 2020, to March 15, 2020.

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. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, 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; agencies 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 pursuant to La. Rev. Stat. § 44:1 et seq., 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.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under La. Rev. Stat. §

44:1 et seq., including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

Fee Waiver Request

In accordance with La. Rev. Stat. Ann. § 44:32(C)(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request is appropriate, because American Oversight’s use of the requested records “will be limited to a public purpose.”¹

This request is solely for a public purpose. The public has a significant interest in records showing whether and to what extent Louisiana policymakers discussed any public health threats with officials in the federal government or other state or local officials prior to holding a widely attended public event. An analysis from the Centers for Disease Control and Prevention concluded that holding Mardi Gras celebrations likely added to Louisiana’s COVID-19 cases caused by the novel coronavirus.² The requested records have the potential to help members of the public, as well as policymakers, understand what steps state and federal officials took to protect people in Louisiana and how to prevent and contain other coronavirus outbreaks. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the general public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

Moreover, this request is not made for a commercial or personal purpose. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is 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.³

¹ La. Rev. Stat. Ann. § 44:32(C)(2).

² CDC COVID-19 Response Team, *Geographic Differences in COVID-19 Cases, Deaths, and Incidence – United States, February 12–April 7, 2020*, CTRS. FOR DISEASE CONTROL & PREVENTION, Apr. 17, 2020, https://www.cdc.gov/mmwr/volumes/69/wr/mm6915e4.htm?s_cid=mm6915e4_w (“Louisiana, which experienced a temporarily high population density because of an influx of visitors during Mardi Gras celebrations in mid-February, has a higher cumulative incidence and greater increase in cumulative incidence than other states in the South.”).

³ American Oversight currently has approximately 15,500 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited May 6, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited May 6, 2020).

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.⁴ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization’s State Accountability Project covering voting rights issues in various states;⁵ an ethics waiver received by a senior U.S. Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;⁶ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the federal administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁷ posting records regarding potential self-dealing at the U.S. Department of Housing & Urban Development and related analysis;⁸ posting records and analysis relating to the federal government’s efforts to sell nuclear technology to Saudi Arabia;⁹ and posting records and analysis regarding the U.S. Department of Justice’s decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President’s political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.¹⁰

Accordingly, American Oversight qualifies for a fee waiver.

⁴ *News*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

⁵ *State Accountability Project*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/state-accountability-project>.

⁶ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

⁷ *See generally Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁸ *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

⁹ *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

¹⁰ *Sessions’ Letter Shows DOJ Acted on Trump’s Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 an electronic format by email. Alternatively, please provide responsive material in native format 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.

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 request, have any questions, or foresee any problems in fully releasing the requested records, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

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

Austin R. Evers
Executive Director
American Oversight