



September 21, 2020

**VIA EMAIL**

Hon. Kevin Emas, Chief Judge  
Florida Third District Court of Appeal  
2001 SW 117th Avenue  
Miami, FL 33175  
c/o [abaunzae@flcourts.org](mailto:abaunzae@flcourts.org)

**Re: Request for Administrative Records**

Dear Chief Judge Emas:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida Rule of Judicial Administration 2.420, American Oversight makes the following request for administrative records.

**Requested Records**

American Oversight requests that Judge Emas, as custodian of administrative records for the Florida Third District Court of Appeal, promptly produce the following:

1. All email communications (including complete email chains, attachments, calendar invitations, and attachments thereto), sent by former Judge Barbara Lagoa<sup>1</sup> (currently serving on the United States Court of Appeals for the Eleventh Circuit) to any email address ending in **.com**, **.net**, **.org**, **.mail**, or **.edu**.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by former Judge Lagoa. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both former Judge Lagoa's response to an email from a responsive email domain and the initial received message are responsive to this request and should be produced.

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<sup>1</sup> Pursuant to Rule 2.420(b)(3), "[t]he custodian of all administrative records of any court is the chief justice or chief judge of that court, except that each judge is the custodian of all records that are solely within the possession and control of that judge." As Judge Lagoa no longer serves on the Florida Third District Court of Appeal, American Oversight expects that custody of any administrative records that were solely within her possession and control during her tenure as a Judge on the Court have reverted to the custody of the Chief Judge. If this expectation is inaccurate, we hope that your office can advise us of the current custodian for such records.



Please provide all responsive records from November 6, 2018, through January 8, 2019.

2. All calendars or calendar entries for former Judge Barbara Lagoa (currently serving on the United States Court of Appeals for the Eleventh Circuit), including any calendars maintained on behalf of former Judge Lagoa, from November 6, 2018, through January 8, 2019.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how these individuals allocate their time on agency business.

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

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding official business, and please use all tools available to your office to conduct a complete and efficient search for potentially responsive records.
- 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.
- 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.

- 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.
- 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.

### **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.<sup>2</sup>

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office 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 Katherine Anthony at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.897.3918.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 20, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sept. 20, 2020).