



September 21, 2020

VIA EMAIL

Director, Office of Open Government
Executive Office of the Governor
400 S. Monroe Street
Tallahassee, FL 32399
desantis.opengov@eog.myflorida.com

Re: Public Records Request

Dear Public Records Officer:

Pursuant to Article I, section 24(a), of the Florida Constitution, and Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

News reports indicate that Judge Barbara Lagoa of the United States Court of Appeals for the Eleventh Circuit, formerly a Justice on the Supreme Court of Florida, is a frontrunner to receive President Trump's nomination to fill the seat of the late Justice Ruth Bader Ginsburg on the United States Supreme Court.¹

Requested Records

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

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational

¹ Veronica Stracqualursi & Jim Acosta, *Trump on Supreme Court Nominee 'It Will Be a Woman'*, CNN (Sept. 19, 2020, 8:31 PM), <https://www.cnn.com/2020/09/19/politics/trump-ruth-bader-ginsburg-vacant-seat-fill/index.html>; Peter Baker & Maggie Haberman, *Trump Presses for New Justice 'Without Delay' as Election-Season Battle Looms*, N.Y. Times, Sept. 19, 2020, <https://www.nytimes.com/2020/09/19/us/politics/supreme-court-trump.html>; Josh Wingrove et al., *Barrett Has Supreme Court Edge as List Widens to Lagoa, Thapar*, Bloomberg (Sept. 19, 2020, 2:18 PM), <https://www.bloomberg.com/news/articles/2020-09-19/amy-coney-barrett-emerges-as-frontrunner-for-trump-court-pick>; Carrie Johnson & Tamara Keith, *Sources: Trump Considers Barrett, Lagoa, Rushing for Supreme Court Spot*, NPR (Sept. 19, 2020, 3:26 PM), <https://www.npr.org/sections/death-of-ruth-bader-ginsburg/2020/09/19/914829456/sources-trump-considers-coney-barrett-lagoa-thapar-for-supreme-court-spot>.



material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any of the Florida officials listed in Column A, and (b) any of the external parties listed in Column B below:

Column A: Florida Officials	Column B: External Parties
<ul style="list-style-type: none"> i. Ron DeSantis, Governor ii. Diane Moulton, Director of the Executive Staff iii. Justin Caporale, Director of External Affairs iv. Shane Strum, Chief of Staff v. Joe Jacquot, General Counsel 	<ul style="list-style-type: none"> i. Leonard Leo (including, but not limited to, at the email addresses ll@leonardleo.com, leonard.anthony.leo@gmail.com, lleo@fed-soc.org, leonard.leo@mindspring.com, and leonard.leo@hotmail.com) ii. Greg Mueller (including, but not limited to, at the email address gmueller@crpublicrelations.com) iii. Jonathan Bunch (jonathan.bunch@fed-soc.org) iv. Gary Marx (Gary@madisonstrategiesllc.com) v. Carrie Severino (including, but not limited to, at the email addresses carrie@judicialnetwork.com, and carrie.severino@gmail.com) vi. Anyone communicating from an email address ending in @crcadvisors.com or crpublicrelations.com vii. Anyone communicating from an email address ending in @fed-soc.org viii. Anyone communicating from an email address ending in @judicialnetwork.org

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) (a) sent by any Florida official listed in Column A above, (b) to any email address ending in .com, .net, .org, .mail, .edu, (c) containing any of the following terms:
 - a. Lagoa
 - b. Leo
 - c. Leonard
 - d. Federalist
 - e. FedSoc
 - f. "Fed Soc"

- g. CRC
- h. “Judicial Crisis”
- i. JCN
- j. “Judicial Education Project”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of its request to emails sent by the three officials listed above. 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 Shane Strum’s response to an email containing the term “Lagoa” and the initial received message are responsive to this request and should be produced.

For both items 1 and 2, please provide all responsive records from the following date ranges:

- January 8, 2019, to January 16, 2019
- September 18, 2020 to the date of search

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 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 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. 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 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.²

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

² American Oversight currently has approximately 15,450 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited September 19, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited September 19, 2020).

the requested records, please contact Christine Monahan at records@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 line extending to the left of the first letter.

Austin R. Evers
Executive Director
American Oversight