



December 11, 2020

**VIA EMAIL**

Representative Warren Petersen  
Arizona State Capitol Complex  
1700 W Washington St., Rm. 208  
Phoenix, AZ 85007  
[wpetersen@azleg.gov](mailto:wpetersen@azleg.gov)

**Re: Public Records Request**

Dear Representative Petersen,

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

On November 30, 2020, members of the Arizona State Legislature met with President Trump's personal lawyer, Rudy Giuliani, for an unofficial hearing in which participants aired unsubstantiated allegations regarding the integrity of the presidential election.<sup>1</sup> Many of these same legislators have since called for a special session to directly appoint representatives to the Electoral College.<sup>2</sup>

American Oversight seeks records with the potential to shed light on whether or to what extent Arizona officials are acting at the behest of external political actors.

**Requested Records**

American Oversight requests that your office promptly produce the following records:

All text message chains/conversations, or message chains/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.), between (a) Speaker Warren Petersen or his Chief of Staff, Michael Hunter, and (b) any of the external parties listed below.

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<sup>1</sup> Ryan Randazzo & Maria Polletta, *Arizona GOP Lawmakers Hold Meeting on Election Outcome with Trump Lawyer Rudy Giuliani*, Ariz. Republic (updated Nov. 30, 2020, 9:02 PM),

<https://www.azcentral.com/story/news/politics/elections/2020/11/30/republican-lawmakers-arizona-hold-meeting-rudy-giuliani/6468171002/>.

<sup>2</sup> Maria Polletta, *'Cowardly' Say Some Arizona Republicans of Leaders Following Closure of Legislature*, Ariz. Republic (updated Dec. 7, 2020, 10:52 PM),

<https://www.azcentral.com/story/news/politics/arizona/2020/12/07/some-arizona-republicans-call-leaders-cowardly-after-legislature-closed/6483240002/>.



Please provide all responsive records from November 3, 2020, through the date the search is conducted.

External Parties:

1. David W. Spilsbury, President, Spilsbury Law, PLLC
2. Alexander Kolodin, President, Kolodin Law Group PLLC
3. Christopher Viskovic, Associate Attorney, Kolodin Law Group PLLC
4. Dennis Wilenchik, President, Wilenchik & Bartness
5. Lee Miller, Attorney, Law Office of Lee Miller
6. John D. Wilenchik, Attorney, Wilenchik & Bartness
7. Sue Becker, Counsel, Public Interest Legal Foundation
8. Rep. Kelly Townsend
9. Rep. Mark Finchem
10. Kelli Ward, Chair of the Arizona Republican Party
11. Rep. Andy Biggs
12. Kate LaBorde, Chief of Staff to Rep. Biggs
13. Rep. Paul Gosar
14. Thomas Van Flein, Chief of Staff to Rep. Gosar
15. Matthew Morgan, General Counsel, Donald J. Trump for President Campaign
16. John Gore, Partner, Jones Day
17. Alex Potapov, Associate, Jones Day
18. Justin Clark, Partner, Michael Best
19. Nathan Groth, Associate, Michael Best,
20. Stefan Passantino, Partner, Michael Best
21. Kory Langhofer, Managing Partner, Statecraft Law
22. Thomas Basile, Partner, Statecraft Law
23. Brett Johnson, Partner, Snell & Wilmer Law
24. Eric Spencer, Partner, Snell & Wilmer Law
25. Jay Sekulow, Chief Counsel, American Center for Law & Justice
26. Matt Schlapp, Chairman, American Conservative Union
27. Rudolph Giuliani, Personal Attorney to President Trump, or anyone communicating on his behalf (such as Jo Ann Zafonte, Christianne Allen, Beau Wagner)
28. Senator Lindsey Graham
29. Richard Straus Perry, Chief of Staff to Senator Lindsey Graham
30. Joseph diGenova, Partner, DiGenova & Toensing
31. Victoria Toensing, Partner, DiGenova & Toensing
32. Sidney Powell, President, Sidney Powell P.C.
33. Jenna Ellis, Special Counsel, Thomas More Society
34. John Eastman, Professor, Chapman University School of Law
35. David Bossie, President, Citizens United
36. Ronna McDaniel, Chairwoman, Republican National Committee
37. Laura Cox, Chair, Michigan Republican Party
38. Terry Bowman, Co-Chairman, Michigan Republican Party
39. John Solomon, Editor in Chief, Just the News

## **Statement of Noncommercial Purpose**

This request is made for noncommercial purposes. American Oversight seeks records regarding attempts by Arizona legislators to cast doubt on the presidential election.<sup>3</sup> Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the government, including to what extent these legislators acted in coordination with political special interests.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. 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.<sup>4</sup>

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.<sup>5</sup> Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

## **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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

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<sup>3</sup> *See supra*, notes 1 & 2.

<sup>4</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Dec. 9, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Dec. 9, 2020).

<sup>5</sup> A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

- In conducting your search, please understand the terms “record,” “document,” and “information” in their 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 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 agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- 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 a request is denied in whole, please state specifically why 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 the agency 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.

## **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, please Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507.

Sincerely,

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

Austin R. Evers  
Executive Director  
American Oversight