



January 5, 2021

**VIA EMAIL**

Public Records Officer David Mitchell  
Cleveland Department of Public Health  
75 Erievue Plaza  
Cleveland, OH 44114  
[dmitchell@clevelandohio.gov](mailto:dmitchell@clevelandohio.gov)

**Re: Public Records Act Request**

Dear Mr. Mitchell:

Pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, American Oversight makes the following request for records.

On September 29, 2020, Case Western Reserve and Cleveland Clinic hosted the first 2020 presidential debate, an event at which numerous guests did not comply with the requirement to wear face masks.<sup>1</sup> On October 2, President Trump announced that he and the First Lady had tested positive for the coronavirus;<sup>2</sup> the same day, the City of Cleveland announced that 11 people had contracted coronavirus in connection with pre-debate planning and set-up.<sup>3</sup>

American Oversight seeks records with the potential to shed light on the public health outcomes associated with Cleveland's hosting the first presidential debate, including projected risks as well as actual viral spread.

**Requested Records**

American Oversight requests that the Cleveland Department of Public Health promptly produce the following records within twenty business days:

Any final assessments, reports, analyses, recommendations, or guidance prepared by your office, other federal, state, or local offices (including the Ohio

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<sup>1</sup> Aaron C. Davis, et al., *Trump's Debate Guests Refused to Wear Masks, Flouting Rules*, Wash. Post (Oct. 2, 2020, 7:22 PM), [https://www.washingtonpost.com/investigations/trumps-debate-guests-refused-to-wear-masks-flouting-rules/2020/10/02/7722b366-04ce-11eb-b7ed-141dd88560ea\\_story.html](https://www.washingtonpost.com/investigations/trumps-debate-guests-refused-to-wear-masks-flouting-rules/2020/10/02/7722b366-04ce-11eb-b7ed-141dd88560ea_story.html)

<sup>2</sup> Donald J. Trump (@realDonaldTrump), Twitter (Oct. 2, 2020, 12:54 AM), <https://twitter.com/realDonaldTrump/status/1311892190680014849>.

<sup>3</sup> Tatanya McKnight, *City of Cleveland Statement Regarding Post-Debate COVID-19 Cases-Update #194*, City of Cleveland, Oct. 2, 2020, <https://clecityhall.com/2020/10/02/city-of-cleveland-statement-regarding-post-debate-covid-19-cases-update-194/>



Department of Health and the U.S. Centers for Disease Control and Prevention), or independent experts, regarding any projected or actual effects or impacts of the September 29 presidential debate on the spread of COVID-19. This request includes but is not limited to any such records provided by your office to the Trump or Biden campaigns or to the Commission on Presidential Debates.

Please provide all responsive records from September 15, 2020, to the date the search is conducted.

American Oversight believes that your office is in the best position to know where responsive documents would be located. At a minimum, a reasonable search would include searching the records—including email and electronic filing systems—of Director of Public Health, Merle R. Gordon, and Chief Epidemiologist, Katherine Romig.

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 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.
- 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.<sup>4</sup> 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

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<sup>4</sup> Ohio Rev. Code § 149.43(B)(1).

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. 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.

### **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>5</sup>

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 contact Emma Lewis at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 919-6303.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight

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<sup>5</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 Jan. 4, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 4, 2021).