



April 8, 2021

VIA U.S. MAIL

Office of the Attorney General
215 N. Sanders St.
Helena, MT 59601

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. §§ 2-6-1001 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Attorney General produce the following records in a timely manner:

All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by (a) Attorney General Austin Knudsen, Solicitor General David Dewhirst, or anyone communicating on their behalf (such as a Chief of Staff, assistant, or secretary), to (b) any of the external entities listed below:

External entities

1. Anyone communicating from Devon Energy Corporation, including from an email address ending in @dvn.com
2. Anyone communicating from Peabody Energy, including from an email address ending in @peabodyenergy.com
3. Anyone communicating from Murray Energy Corporation, including from an email address ending in @murrayenergycorp.com
4. Anyone communicating from Southern Company, including from an email address ending in @southerncompany.com
5. Anyone communicating from American Fuel & Petrochemical Manufacturers, including from an email address ending in @afpm.org
6. Anyone communicating from America's Power, including from an email address ending in @americaspower.org
7. Anyone communicating from Western Energy Alliance, including from an email address ending in @westernenergyalliance.org
8. Anyone communicating from American Petroleum Institute including from an email address ending in @api.org
9. Anyone communicating from Independent Petroleum Association of America, including from an email address ending in @ipaa.org



10. Anyone communicating from Koch Ag & Energy Solutions including from an email address ending in @kochind.com
11. Anyone communicating from the Montana Farm Bureau, including from an email address ending in @mfbf.org
12. Georgia Attorney General Chris Carr or anyone communicating on Carr's behalf (such as a Chief of Staff, assistant, or scheduler)
13. Alabama Attorney General Steve Marshall, or anyone communicating on Marshall's behalf (such as a Chief of Staff, assistant, or scheduler)
14. Anyone communicating from the Republican Attorneys General Association, including from an email ending in @republicanags.com

Please provide all responsive records from January 20, 2021, through March 8, 2021.

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 the officials specified 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 a specified official's response to an email from a listed external entity and the initial received message are responsive to this request and should be produced.

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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes all prior messages sent or received in a responsive 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. 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.

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.¹

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

¹ American Oversight currently has approximately 15,700 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 2, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 2, 2021).

understand any part of this request, please contact Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

/s/ Christine Monahan

Christine Monahan
on behalf of
American Oversight