

# UTAH STATE LEGISLATURE

## REQUEST FOR A RECORD<sup>1</sup>

Date: 12/1/2021

### Requester Information

American Oversight

Name of individual or entity submitting the record request

Emma Lewis

Name of entity's contact individual, if the request is submitted by an entity

1030 15th Street NW, Suite B255

Mailing address of individual or entity submitting record request

Washington

DC

20005

City

State

Zip code

records@americanoversight.org

Email address of individual submitting record request or, if the request is submitted by an entity, email address of the entity's contact individual

*By providing an email address, the requester is indicating that the requester is willing to receive communications by email regarding this record request.*

(202) 919-6303

Daytime telephone number of the individual submitting the record request or, if the request is submitted by an entity, daytime telephone number of the contact individual for the entity

Specify the legislative office believed to be the office that retains the record(s) being requested:<sup>2</sup>

- Utah House of Representatives (houserecords@le.utah.gov)
- Utah Senate (senaterecords@le.utah.gov)
- Office of the Legislative Auditor General (lagrecords@le.utah.gov)
- Office of the Legislative Fiscal Analyst (lfarecords@le.utah.gov)
- Office of Legislative Research and General Counsel (olrgcrecords@le.utah.gov)
- Legislative Services (Human Resources, IT, Printing) (lsrecords@le.utah.gov)

### Certifications required for an in-state request

1) I certify that:

- (if this request is submitted by an individual) I live in Utah or am a legal resident of Utah

- or -

- (if this request is submitted by an entity) the entity has its principal place of business or principal operations in Utah

2) I also certify that:

- I am submitting this record request on my own behalf or for the requester entity and not on behalf of an individual who does not live in Utah or is not a legal resident of Utah, or on behalf of an entity that does not have its principal place of business or principal operations in Utah

(A request without these certifications will be considered to be an out-of-state request)

Description of the record(s) being requested (must identify the record(s) with reasonable specificity): \_\_\_\_\_  
Please see the attached Government Records and Access Management Act Request (UT-REP-21-1727).

I am requesting only records<sup>3</sup>  sent,  received, or  created from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

If you are requesting email or other electronic records, please specify the search terms<sup>4</sup> you would like us to use to identify the records you are requesting: \_\_\_\_\_

I request an expedited response based on the following (you must demonstrate that an expedited response benefits the public rather than yourself -- an expedited response request is not automatically granted): \_\_\_\_\_

1. This record request and the legislative office's response to it are governed by Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, and Legislative Management Committee Policy L. Legislative Records.

2. A record request submitted by email should be sent to the email address indicated in parentheses for the legislative office believed to be the office that retains the record(s) being requested and to which the request is being submitted.

3. Declining to limit your request to a specific time period may increase the volume of records and the amount of staff time required to identify, segregate, and classify the records, resulting in a higher fee.

4. Declining to identify search terms may increase the volume of records and the amount of staff time required to identify, segregate, and classify records, resulting in a higher fee.



December 1, 2021

**VIA EMAIL**

Phalin Flowers  
Administrative Assistant  
Utah House of Representatives  
350 North State St., Ste. 350  
Salt Lake City, UT 84114  
[pflowers@le.utah.gov](mailto:pflowers@le.utah.gov)  
[houserecords@le.utah.gov](mailto:houserecords@le.utah.gov)

**Re: Government Records and Access Management Act Request**

Dear Records Custodian:

Pursuant to the Utah Government Records Access and Management Act (GRAMA), Utah Code §§ 63G-2-101 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office produce the following records within ten business days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between Representative Phillip Lyman and the external individuals listed below (including but not limited to communications from the email address or domain specified below).

Please provide all responsive records from June 1, 2020 through the date the search is conducted.

**Specified Parties:**

1. Mike Lindell
2. Former Wisconsin Supreme Court justice Michael Gableman ([mgableman@yahoo.com](mailto:mgableman@yahoo.com) or [wispecialcounsel@gmail.com](mailto:wispecialcounsel@gmail.com))
3. Sidney Powell, and/or anyone communicating on behalf of Sidney Powell, P.C. ([federalappeals.com](http://federalappeals.com))
4. Former National Security Advisor Mike Flynn (@generalflynn.com), Joseph Flynn, or anyone communicating on behalf of America's Future



5. Rudolph Giuliani, and/or anyone communicating on his behalf (such as Jo Ann Zafonte, Christianne Allen, Beau Wagner (@giulianisecurity.com, giulianipartners.com, gdcillc.com)
6. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com, or @bradleyfdn.org)
7. Thomas Datwyler (tcdatwyler@gmail.com), or anyone communicating on behalf of the American Voting Rights Foundation
8. Phill Kline ([phillklineva@gmail.com](mailto:phillklineva@gmail.com)), Jacqueline Timmer, or anyone communicating on behalf of the American Voter's Alliance (@got-freedom.org)
9. Jenna Ellis, and/or anyone communicating on behalf of Liberty University's Falkirk Center (@falkirkcenter.com) or the Thomas More Society (@thomasmoresociety.org) or the American Greatness Fund (@americangreatnessfund.com)
10. Corey Lewandowski
11. Earl Eugene Kern, and/or anyone communicating on behalf of Wake Technology Services, Inc. (@waketsi.com)
12. Ben Cotton, and/or anyone communicating on behalf of CyFir (@cyfir.com)
13. Heather Honey, and/or anyone communicating on behalf of Haystack Investigations (@haystackinvestigations.com)
14. Doug Logan, and/or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)
15. Colonel Phil Waldron ([phil@onewarrior.com](mailto:phil@onewarrior.com), [JWRLLC@gmail.com](mailto:JWRLLC@gmail.com), or [p@bonfiresearch.org](mailto:p@bonfiresearch.org)), Russell Ramsland ([ryuks9sq@alliedspecialops.us](mailto:ryuks9sq@alliedspecialops.us)), James Keet Lewis III ([keet@jkeetlewis.com](mailto:keet@jkeetlewis.com)) and/or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
16. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
17. Patrick Byrne or anyone communicating on behalf of the America Project (@americaproject.com)
18. Matthew DePerno or anyone communicating on behalf of the DePerno Law Office (@deper nolaw.com)
19. Catherine Engelbrecht or anyone communicating on behalf of True the Vote (@truethevote.org)
20. John Eastman ([jeastman@claremont.org](mailto:jeastman@claremont.org), @attorneyeastman.com)
21. Lin Wood, including ([lwood@fightback.law](mailto:lwood@fightback.law))
22. Shiva Ayyadurai ([vashiva@vashiva.com](mailto:vashiva@vashiva.com))
23. Hogan Gidley, Ken Blackwell ([kennethblackwell693@gmail.com](mailto:kennethblackwell693@gmail.com)) or anyone communicating on behalf of the America First Policy Institute (@americafirstpolicy.com)
24. Barry Farah ([barry@barryfarah.com](mailto:barry@barryfarah.com))
25. Douglas Frank (drdouglasfrank@protonmail.com)
26. Former Utah Representative Steve Christiansen
27. Ron Watkins

### **Fee Waiver Request**

In accordance with Utah Code § 63G-2-203(4)(a), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested information will primarily benefit the public rather than a person, because the requested records will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information primarily benefits the public rather than a person.<sup>1</sup> The public has a significant interest in communications Representative Lyman may be having with external individuals or entities associated with promoting the “big lie” that the 2020 presidential election was “stolen.”<sup>2</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, whether and to what extent Representative Lyman has been communicating with external individuals and entities associated with promoting the “big lie.” American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

Furthermore, this request is not for American Oversight’s personal or financial interest. As described above, this request is primarily and fundamentally made for the purpose of educating the public and is not made for any commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. 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>3</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>4</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization’s investigations into misconduct and corruption in

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<sup>1</sup> Utah Code § 63G-2-203(4)(a).

<sup>2</sup> See e.g., Bryan Schott, *COVID Denial, Communism and QAnon. Conspiracy Theory-Fueled Conference Hits Salt Lake City*, Salt Lake City Trib., (Oct. 22, 2021, 10:01 PM) <https://www.sltrib.com/news/politics/2021/10/22/covid-denial-communism/>

<sup>3</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 109,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 17, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 17, 2021).

<sup>4</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

state governments;<sup>5</sup> posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;<sup>6</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>7</sup> and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers.<sup>8</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **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:

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<sup>5</sup> See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

<sup>6</sup> See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

<sup>7</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>8</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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. 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 contact Emma Lewis at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 919-6303. Also, if American Oversight's

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Emma Lewis

Emma Lewis  
on behalf of  
American Oversight