

RTK REQUEST NUMBER

DATE RECEIVED

5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: Morris Zachery
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: American Oversight, 1030 15th St. NW, Suite B255
STREET / P.O. BOX

Washington, D.C. 20005
CITY STATE ZIP CODE

PHONE # (202) 869-5246 FAX#

EMAIL ADDRESS: records@americanoversight.org

SIGNATURE: /s/ Zachery Morris

DATE: 2/3/2022

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.

Please see attached records request (PA-LUZERNE-22-0132)

PLEASE CHECK ONE OF THE FOLLOWING:

- I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
x I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF, EXCEL SPRDSHT, etc...)



February 03, 2022

**VIA ONLINE FORM**

Laura Dennis, Esq.  
Luzerne County Office of Law  
200 North River Street  
Wilkes-Barre, PA 18711  
[Laura.Dennis@luzerenecounty.org](mailto:Laura.Dennis@luzerenecounty.org)

**Re: Right-to-Know Law Request**

Dear Open Records Officer:

Pursuant to the Right-to-Know Law (RTKL), as codified at 65 P.S. §§ 67.101 et seq., American Oversight makes the following request for records.

In December 2020, groups reportedly met in Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania, and Wisconsin to create and submit illegitimate electoral certificates declaring the victory of former President Donald Trump in states officially won by President Joe Biden in the November 2020 presidential election.<sup>1</sup>

American Oversight seeks records with the potential to shed light on the role of public officials in the creation of these electoral certificates, including whether and to what extent the Trump campaign and its allies coordinated with state officials on such efforts.

**Requested Records**

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

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) 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, The Buzz, or Parler) between (a) Executive Director of the Office

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<sup>1</sup> Luke Broadwater and Alan Feuer, *Jan. 6 Committee Subpoenas Fake Trump Electors*, N.Y. Times, Jan. 28, 2022, <https://www.nytimes.com/2022/01/28/us/politics/jan-6-committee-trump-electors.html>.



of Community Development Andy Reilly and (b) any entity or individual listed below.

- i. Rudolph Giuliani, or anyone communicating on his behalf (such as Jo Ann Zafonte, Christianne Allen, Beau Wagner, or anyone communicating from an email address ending in [@giulianisecurity.com](mailto:giulianisecurity.com), [giulianipartners.com](mailto:giulianipartners.com), or [gdcillc.com](mailto:gdcillc.com))
- ii. Phill Kline ([phillklineva@gmail.com](mailto:phillklineva@gmail.com)), Luis Cornelio ([lcornel001@citymail.cuny.edu](mailto:lcornel001@citymail.cuny.edu)) and/or anyone communicating on behalf of the Thomas More Society ([@thomasmoresociety.org](mailto:@thomasmoresociety.org)) or The Amistad Project
- iii. Jacqueline Timmer, Mary Coran, and/or anyone communicating on behalf of the American Voter's Alliance ([@got-freedom.org](mailto:@got-freedom.org))
- iv. Jenna Ellis ([jenna.ellis.esq@gmail.com](mailto:jenna.ellis.esq@gmail.com)), or anyone communicating on behalf of Liberty University's Falkirk Center (including anyone communicating from an email address ending in [@falkirkcenter.com](mailto:@falkirkcenter.com)), the Thomas More Society (including anyone communicating from [@thomasmoresociety.org](mailto:@thomasmoresociety.org)), or the American Greatness Fund ([@americangreatnessfund.com](mailto:@americangreatnessfund.com))
- v. Anyone communicating from an email address ending in [@donaldtrump.com](mailto:@donaldtrump.com), [@donaldjtrump.com](mailto:@donaldjtrump.com), [@trumpvictory.com](mailto:@trumpvictory.com), [@45office.com](mailto:@45office.com), or [@trumporg.com](mailto:@trumporg.com)
- vi. Mark Meadows, or anyone serving in the White House (including anyone communicating from an email address ending in [@who.eop.gov](mailto:@who.eop.gov))
- vii. Colonel Phil Waldron (including, but not limited to, [phil@onewarrior.com](mailto:phil@onewarrior.com) or anyone communicating from an email address ending in [@bonfiresearch.org](mailto:@bonfiresearch.org))
- viii. Russell Ramsland (including, but not limited to [yrku9sqs@protonmail.com](mailto:yrku9sqs@protonmail.com)), J. Keet Lewis ([keet@jkeetlewis.com](mailto:keet@jkeetlewis.com)), and/or anyone communicating on behalf of Allied Security Operations Group (including anyone communicating from an email address ending in [@alliedspecialops.us](mailto:@alliedspecialops.us))
- ix. Charles Bundren III ([charles@bundrenlaw.net](mailto:charles@bundrenlaw.net))
- x. Jovan Hutton Pulitzer ([jovanhuttonpulitzer@gmail.com](mailto:jovanhuttonpulitzer@gmail.com))
- xi. John Eastman (including, but not limited to, anyone communicating from the email address [jeastman@claremont.org](mailto:jeastman@claremont.org), [jeastman@chapman.edu](mailto:jeastman@chapman.edu), or anyone communicating from an email address ending in [@ccg1776.com](mailto:@ccg1776.com))
- xii. Ivan Raiklin ([ivan.raiklin@gmail.com](mailto:ivan.raiklin@gmail.com), [socialmediaraiklin@gmail.com](mailto:socialmediaraiklin@gmail.com))
- xiii. Former National Security Advisor Mike Flynn (including, but not limited to, an address ending in [@generalflynn.com](mailto:@generalflynn.com)) and/or anyone communicating on behalf of America's Future (including, but not limited to, anyone communicating from an address ending in [@americasfuture.net](mailto:@americasfuture.net))
- xiv. Katherine Friess ([kfriess@protonmail.com](mailto:kfriess@protonmail.com))
- xv. Bernard Kerik ([bernardkerik@protonmail.com](mailto:bernardkerik@protonmail.com))

- xvi. Emily Newman ([enewman@protonmail.com](mailto:enewman@protonmail.com))
- xvii. Doug Frank ([drdouglasgfrank@protonmail.com](mailto:drdouglasgfrank@protonmail.com))
- xviii. Stephen Miller (including, but not limited to, anyone communicating from the email address [Stephen.miller@who.eop.gov](mailto:Stephen.miller@who.eop.gov) or [s.miller@who.eop.gov](mailto:s.miller@who.eop.gov))
- xix. Ian Northon
- xx. Marc Short
- xxi. Greg Jacobs
- xxii. Christina Bobb, Charles Herring, Robert Herring, Chanel Rion, Natalie Harp, Stephanie Myers, Patrick Hussion, Stephanie Hammill, or anyone communicating on behalf of the One America News (including, but not limited to, anyone communicating from an email address ending in @oann.com)
- xxiii. Boris Epshteyn ([bepshteyn@protonmail.com](mailto:bepshteyn@protonmail.com))
- xxiv. James Fitzpatrick
- xxv. Bill Bachenberg
- xxvi. Lisa Patton
- xxvii. Tom Carroll
- xxviii. Chuck Coccodrilli
- xxix. Christie DiEsposti
- xxx. Charlie Gerow (including, but not limited to, anyone communicating from the email address [cgerow@quantumcomms.com](mailto:cgerow@quantumcomms.com))
- xxxi. Leah Hoopes
- xxxii. Andre McCoy ([andremccoy@msn.com](mailto:andremccoy@msn.com))
- xxxiii. Pat Poprik
- xxxiv. Suk Smith
- xxxv. Lou Barletta
- xxxvi. Ted Christian (including, but not limited to, anyone communicating from the email address [tchristian@dmgs.com](mailto:tchristian@dmgs.com))
- xxxvii. Bernadette Comfort
- xxxviii. Marcela Diaz-Myers
- xxxix. Josephine Ferro
- xl. Kevin Harle
- xli. Ash Khare
- xlii. Calvin Tucker (including, but not limited to, anyone communicating from the email address [calvin@calvinrtucker.com](mailto:calvin@calvinrtucker.com))
- xliii. Senator Doug Mastriano or his aide, Levi Clevenger
- xliv. Senator Judy Ward
- xlv. Senator Cris Dush
- xlvi. Thomas Breth, or anyone communicating on behalf of Dillon, McCandless, King, Coulter & Graham LLP (@dmckg.com)
- xlvii. Bobby Piton ([bobbypiton@protonmail.com](mailto:bobbypiton@protonmail.com), [rcpiton@gmail.com](mailto:rcpiton@gmail.com), [bobbypiton@gmail.com](mailto:bobbypiton@gmail.com))
- xlviii. Kathy Barnette
- xlix. Chris Witt, Earl Eugene Kern, and/or anyone communicating on behalf of Wake Technology Services, Inc. (@waketsi.com)

1. Rachel Zupanc ([rzupanc@protonmail.com](mailto:rzupanc@protonmail.com)), Toni Shuppe ([tshuppe@protonmail.com](mailto:tshuppe@protonmail.com)), Karen Taylor, and/or anyone communicating on behalf of Audit the Vote PA (@auditthevotepa.com)
  - li. Tabitha Valleau, Mike Altland, and/or anyone communicating on behalf of Free PA ([freepa2020@outlook.com](mailto:freepa2020@outlook.com))
  - lii. Velma Ann Ruth, Patrick Cabbage, Mark Still ([mark@pearlconsolidated.com](mailto:mark@pearlconsolidated.com)), and/or anyone communicating on behalf of Patriot Caucus (@patriot-caucus.com)
  - liii. Sam DeMarco III (including, but not limited to, anyone communicating from the email address [Samuel.DeMarco@alleghenycounty.us](mailto:Samuel.DeMarco@alleghenycounty.us))
2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) 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, The Buzz, or Parler) sent or received by Executive Director Andy Reilly related to the issue of electoral certificates or “alternate electors.”<sup>2</sup>

For both parts of this request, provide all responsive records from October 1, 2020, through January 21, 2021.

### **Fee Waiver Request**

In accordance with 65 P.S. § 67.1307(f)(2), American Oversight requests a waiver of fees associated with processing this request for records, because disclosure of the requested information is “in the public interest.”

The public has a significant interest in public officials’ potential communications with Donald Trump’s presidential campaign and associates concerning the compiling of “alternate” slates of electors to sign illegitimate Electoral College certificates.<sup>3</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent public officials coordinated with allies or members of Trump’s campaign to develop the certificates.

American Oversight is committed to transparency and makes the responses agencies provide to open records requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis

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<sup>2</sup> If further identifying information is needed, please see Broadwater & Feuer, *supra* note 1.

<sup>3</sup> Zachary Cohen & Marshall Cohen, *Trump Allies’ Fake Electoral Certificates Offer Fresh Insights About Plot to Overturn Biden’s Victory*, CNN, (updated Jan. 12, 2022, 9:12 PM), <https://www.cnn.com/2022/01/12/politics/trump-overturn-2020-election-fake-electoral-college/index.html>.

and publication of these records. 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>

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>5</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 state governments;<sup>6</sup> posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;<sup>7</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>8</sup> and the posting of records related to

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<sup>4</sup> American Oversight currently has approximately 15,700 page likes on Facebook and 114,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 2, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 2, 2022).

<sup>5</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>6</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>7</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>8</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,

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>9</sup>

Finally, this request is primarily and fundamentally for non-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.

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:

- 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.
- 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.

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<https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>9</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 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Right-to-Know Law.<sup>10</sup>
- 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 under 65 P.S. § 67.706. 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 Zachery Morris at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507. Also, if American Oversight's

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<sup>10</sup> See, e.g., *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95–97 (Pa. Commw. Ct. 2012).



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

Sincerely,

/s/ Zachery Morris  
Zachery Morris  
on behalf of  
American Oversight