



January 26, 2023

VIA EMAIL

Nebraska Attorney General's Office
2115 State Capitol
P.O. Box 98920
Lincoln, NE 68509
Ago.info.help@nebraska.gov

Re: Public Records Statute Request

Dear Record Custodian:

Pursuant to the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Nebraska Attorney General's Office produce the following records within four business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed below to any email addresses ending in .com, .net, .org, .mail, .me, .us, .edu, .law, or .legal containing any of the search terms listed below.

Former Attorney General's Office Officials:

- i. Douglas Peterson, Attorney General (or anyone communicating on his behalf, such as an assistant or scheduler)
- ii. James Campbell, Solicitor General
- iii. Christian Edmonds, Assistant Solicitor General
- iv. Joshua Shasserre, Chief of Staff
- v. Dave Bydalek, Chief Deputy Attorney General
- vi. Jennifer Huxoll, Civil Litigation Bureau Chief

Search Terms:

- | | |
|-----------------------|--------------------------|
| i. "Student debt" | viii. "College loan" |
| ii. "Student loan" | ix. "College loans" |
| iii. "Student loans" | x. "Student aid" |
| iv. "Education debt" | xi. "Loan forgiveness" |
| v. "Education loan" | xii. "Loan cancellation" |
| vi. "Education loans" | xiii. "Loan relief" |
| vii. "College debt" | xiv. "Debt forgiveness" |



xv.	“Debt cancellation”	xxii.	“Brnovich v. Biden”
xvi.	“Debt relief”	xxiii.	“Brown v. U.S. Department of Education”
xvii.	Pell		
xviii.	“Heroes Act”	xxiv.	“Brown County”
xix.	“Relief Opportunities”	xxv.	Garrison
xx.	“Arizona v. Biden”	xxvi.	Cato
xxi.	“AZ v. Biden”		

For part one of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited the request to emails sent by the specified officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages, and any document attachments therein.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (1) any of the officials listed above in part one, and (b) any of the external parties listed below (including, but not limited to, at the listed email addresses and/or domains).

External Parties:

- i. John Malcolm (john.malcolm@heritage.org), and anyone communicating on behalf of the Heritage Foundation (heritage.org and heritageaction.com)
- ii. Bernie Marcus, Alfredo Ortiz (alfredo.ortiz@jobcreatorsnetwork.com), and anyone communicating on behalf of the Job Creators Network (jobcreatorsnetwork.com)
- iii. Caleb Kruckenberg (ckruckenberg@pacificlegal.org), Michael Poon (mpoon@pacificlegal.org), and anyone communicating on behalf of Pacific Legal Foundation (pacificlegal.org)
- iv. Anyone communicating on behalf of Cato Institute (cato.org)
- v. Anyone communicating on behalf of CRC Advisors (crcadvisors.com)
- vi. J. Michael Connolly (mike@consvoymccarthy.com), James F. Hasson (james@consvoymccarthy.com), Matthew Pociask (matt@consvoymccarthy.com), Steven C. Begakis (steven@consvoymccarthy.com), and anyone communicating on behalf of Consovoy McCarthy (consvoymccarthy.com)
- vii. Richard M. Esenberg (rick@will-law.org), Daniel P. Lennington (dan@will-law.org), and anyone communicating on behalf of Wisconsin Institute for Law & Liberty (will-law.org)
- viii. Mark Chenoweth (mark.chenoweth@ncla.legal), Sheng Li (Sheng.Li@ncla.legal), Russell G. Ryan (Russ.Ryan@ncla.legal), and anyone communicating on behalf of New Civil Liberties Alliance (ncla.legal)

For part two of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Attorney General Peterson received a mass-distribution newsletter email from the Heritage Foundation, that initial email would not be responsive to this request. However, if Attorney General Peterson forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

3. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) sent or received by Attorney General Douglas Peterson, Solicitor General James Campbell, Assistant Solicitor General Christian Edmonds, Chief of Staff Joshua Shasserre, Chief Deputy Attorney General Dave Bydalek, or Civil Litigation Bureau Chief Jennifer Huxoll containing any of the search terms listed below.

Search Terms:

i. "Student debt"	xv. "Debt cancellation"
ii. "Student loan"	xvi. "Debt relief"
iii. "Student loans"	xvii. Pell
iv. "Education debt"	xviii. "Heroes Act"
v. "Education loan"	xix. "Relief Opportunities"
vi. "Education loans"	xx. "Arizona v. Biden"
vii. "College debt"	xxi. "AZ v. Biden"
viii. "College loan"	xxii. "Brnovich v. Biden"
ix. "College loans"	xxiii. "Brown v. U.S. Department of Education"
x. "Student aid"	
xi. "Loan forgiveness"	xxiv. "Brown County"
xii. "Loan cancellation"	xxv. Garrison
xiii. "Loan relief"	xxvi. Cato
xiv. "Debt forgiveness"	

For part three of this request, to be clear, American Oversight requests that full text message threads/conversations be produced. For example, if Attorney General Peterson sent a text message containing the term "Pell," the complete thread/conversation spanning one day prior to the sending of the text message through one day following the sending of the text message should be produced, and not just the message containing the key term.

4. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) between (1) Attorney General Douglas Peterson, and (2) any of the external individuals listed below.

External Parties:

- i. Steve Marshall, Alabama Attorney General
- ii. Treg Taylor, Alaska Attorney General
- iii. Mark Brnovich, Arizona Attorney General
- iv. Leslie Rutledge, Arkansas Attorney General
- v. Ashley Moody, Florida Attorney General
- vi. Chris Carr, Georgia Attorney General
- vii. Lawrence Wasden, Idaho Attorney General
- viii. Derek Schmidt, Kansas Attorney General
- ix. Todd Rokita, Indiana Attorney General
- x. Daniel Cameron, Kentucky Attorney General
- xi. Jeff Landry, Louisiana Attorney General
- xii. Lynn Fitch, Mississippi Attorney General
- xiii. Eric Schmitt, Missouri Attorney General
- xiv. Austin Knudsen, Montana Attorney General
- xv. John Formella, New Hampshire Attorney General
- xvi. Drew Wrigley, North Dakota Attorney General
- xvii. Dave Yost, Ohio Attorney General
- xviii. John O'Connor, Oklahoma Attorney General
- xix. Alan Wilson, South Carolina Attorney General
- xx. Mark Vargo, South Dakota Attorney General
- xxi. Jonathan Skrmetti, Tennessee Attorney General
- xxii. Ken Paxton, Texas Attorney General
- xxiii. Sean Reyes, Utah Attorney General
- xxiv. Jason Miyares, Virginia Attorney General
- xxv. Patrick Morrissey, West Virginia Attorney General
- xxvi. Bridget Hill, Wyoming Attorney General

For all parts of this request, please provide all responsive records from August 24, 2022, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee. Pursuant to Neb. Rev. Stat. § 84-712(3)(b), we further request that any fees are limited to the actual costs and exclude fees for search time in excess of four hours.

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.
- 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.
- 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.¹ 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.

¹ Neb. Rev. Stat. § 84-712.06.

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.²

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 or (202) 919-6303.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 113,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 12, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 12, 2023).