



March 13, 2023

VIA U.S. MAIL

Drew McLaughlin, Assistant District Attorney
District Attorney Open Records Officer
Luzerne County District Attorney's Office
200 North River St.
Wilkes Barre, PA 18711

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.

Requested Records

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

All electronic communications (including emails, email attachments, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (a) Luzerne County District Attorney Samuel Sanguedolce, Deputy District Attorney Chester Dudick, Jr., or anyone communicating on their behalf, such as a scheduler or assistant, and (b) any of the individuals or entities listed below, including, but not limited to, at the suggested email addresses or domains. In the case of emails and texts, the search should include those sent or received from nongovernmental accounts and/or devices if they were used to conduct official business, as well those sent from official email addresses or government-issued devices.

Please provide all responsive records from June 1, 2021, through November 30, 2022.

External Entities:

1. Anyone communicating from an email address ending in americaproject.com or theamericaproject.com
2. Any employee or representative of Protect America Now (protectamericanow.com)
3. Andre McCoy (andremccoy@msn.com)
4. Catherine Engelbrecht, Chelsea Magee or anyone communicating on behalf of True the Vote (truethevote.org or truethevote.com)
5. Christina Bobb (christina.bobb@oann.com, christina@cgbstrategies.com)



6. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com)
7. Ed Corrigan, or anyone communicating from an email address ending in cpi.org or conservativepartnership.org
8. Heather Honey (h2osint@protonmail.com), and/or anyone communicating from an email address ending in haystackinvestigations.com
9. Jason Thompson, Steven Lahr, Mike Maull, and/or anyone communicating on behalf of Envoy Sage (envoysage.com)
10. Jeff O'Donnell (loneraccoon@protonmail.com), and/or anyone communicating from an email address ending in ordros.com
11. Luis Cornelio (luis.cornelio@protonmail.com, lcornel001@citymail.cuny.edu)
12. Karen Taylor (karenataylor84@protonmail.com)
13. Mark Still (mark@pearlconsolidated.com)
14. Mike Lindell, Michele Replogle (micrep@protonmail.com, micrep@pm.me), or anyone communicating from an email address ending in mypillow.com or causeofamerica.org
15. Phill Kline (phillklineva@gmail.com)
16. Rachel Zupanc (rzupanc@protonmail.com)
17. Richard Mack (cspoa2011@gmail.com, sheriffmack@hotmail.com, sheriffmack@protonmail.com), Sam Bushman, or anyone communicating from an email address ending in cspoa.org
18. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com)
19. Tabitha Valleau (freepa2020@outlook.com, yorkfreepa@protonmail.com)
20. Thomas Carroll, and/or anyone communicating from an email ending in @thomasjcarrolllaw.com
21. Thomas Brechja, Andrew Bath, Tim Griffin, and/or anyone communicating from an email address ending in @thomasmoresociety.org
22. Thomas Breth, and/or anyone communicating on behalf of Dillon, McCandless, King, Coulter & Graham LLP (@dmkcg.com)
23. Toni Shuppe (tshuppe@protonmail.com)

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 District Attorney Sanguedolce received a mass-distribution news clip email from an address ending in truthevote.org, that initial email would not be responsive to this request. However, if he forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

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 attempts to elevate baseless allegations regarding the security of U.S. elections.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent individuals or entities advancing these allegations have been in contact with public officials in Pennsylvania.

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 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.²

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.³ 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;⁴ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁵ posting records received as part of American

¹ Grace Panetta, *Conservative Activists Are Recruiting an 'Army' of GOP Poll Workers Who Could Challenge Results and Create Chaos in Key States*, Business Insider (June 1, 2022, 4:36 PM), <https://www.businessinsider.com/conservative-activists-recruiting-army-of-election-workers-politico-2022-6>.

² American Oversight currently has approximately 16,000 followers on Facebook and 112,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 9, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 9, 2023).

³ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ 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>.

⁵ 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*

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;⁶ 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.⁷

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.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted.

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>.

⁶ 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>.

⁷ *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>.

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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Right-to-Know Law.⁸
- 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

⁸ See, e.g., *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95–97 (Pa. Commw. Ct. 2012).

understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight