

PUBLIC INFORMATION ACT REQUEST

November 4, 2022

Ashley Leonard
City of Annapolis
Office of Law
160 Duke of Gloucester
Annapolis, MD

By Electronic Mail: aleonard@annapolis.gov

Dear Ms. Leonard or Records Officer,

On behalf of Energy Policy Advocates, a non-profit public policy institute, and pursuant to the Maryland Public Information Act, G.P. §§ 4-101 - 4-601, please provide us, within the statutory period of time, copies of described text messages and other written electronic, non-email electronic communications, **a)** sent on any device, and using any account, to from i) Gavin Buckley and/or ii) Jacqueline Guild, and which also **b)** include anywhere i) climate, ii) Edling, iii) CCI, iv) Enck, v) Johl, vi) Exxon and/or vi) Chevron, and **c)** were sent/received at any time from December 1, 2020 through November 4, 2022, inclusive. The covered, common forms of non-email correspondence include, e.g., SMS, iMessage, and any message sent or received via Signal, WhatsApp, or Telegram, whether person-to-person or as a ‘chat’ or other group message (i.e., “texts” and DMs), direct messages via any medium (Facebook, Twitter, and also Jabber, Slack, Teams, Skype, Zoom). *Any records meeting this description, on whatever device they were sent or received are for obvious reasons presumptively inherently work-related.*

This request seeks the described records on any device, and using any account, whether officially assigned to the named staff by the Office, or simply used by the named staff to conduct Office business, because *any records meeting this description, on whatever device they were sent or received are for obvious reasons presumptively inherently work-related.*

That the above-described messages are in fact public records whatever device or account is used is well-established as is the obligation of an agency to obtain them.

All such devices and accounts must all be searched, and in a non-conflicted manner.

This request thereby also requires a credible and non-conflicted search not only of all devices and accounts assigned by the Office to the named staff but also any devices and accounts which the named staff has used at any time for work-related purposes. Indeed, the scope of the request makes it highly likely that any correspondence meeting the search parameters, on any device or account, is responsive to this request.

Please note that in *Balt. Action Legal Team v. Office of the State's Atty.*, 253 Md. App. 360, 388-89, 265 A.3d 1187, 1204 (2021), the Court of Special Appeals held that “the mere fact that the [agency] is in the business of routinely engaging in litigation, and a document generated by their

office might be litigated in a prosecution... does not render all documents prepared with regard to those circumstances protected work product.” (internal citations and quotations omitted). Merely because the Office of Law is engaged in litigation, does not mean that all of its responsive records will be covered by any lawful exemption from disclosure. This request is targeted to obtain information relating to disclosures made by outside individuals or entities which disclosures relate not to litigation, but which were intended to induce the City to take a certain action or enter into a certain contractual or agency relationship.

Most records responsive to this request should be in electronic format or easily produced in electronic format, and therefore there should be no photocopying costs. If your office intends to seek any cost associated with the searching or processing of these records, however, please also notify me in writing immediately. Please provide an estimate of anticipated costs if there are fees for processing this Request. In the interests of expediting the search and processing of this Request, EPA is willing to pay fees up \$200. Please provide an estimate of anticipated costs if fees for processing this Request will exceed \$200.

EPA requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee’s own machine or account.

We look forward to your response. If you have any questions, do not hesitate to contact me by email at Schilling@allhookedup.com.

Sincerely,
Rob Schilling
Executive Director
Energy Policy Advocates

A handwritten signature in black ink, appearing to read 'Rob Schilling', with a long horizontal flourish extending to the right.