



January 14, 2020

University of California, Los Angeles  
Records Management & Information Practices  
10920 Wilshire Blvd. Suite 107  
Los Angeles, CA 90024-6541

Dear Sir or Madam:

On behalf of Energy Policy Advocates (EPA), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code, pursuant to the California Government Code §§ 6250 *et. seq.*, I hereby request that that the custodian of University records produce, within 10 business days, a copy of the following public records:

- 1) all electronic correspondence, including also any attachments, that is a) **dated from January 1, 2016 through May 1, 2016**, b) which was sent to, from, cc: or bcc:, **Sarah Duffy** which also c) was sent to or from or copies **i) jcalahong@law.harvard.edu and/or ii) Erin Burrows**; and
- 2) the entirety of any slides, presentation(s), or other materials — whether in Power Point, Keynote, or Adobe Acrobat, or any other format — possessed by Sarah Duffy at any time from January 1, 2016 through May 1, 2016<sup>1</sup> addressing climate-related “consumer claims”; this includes but is not limited to materials presented by Ms. Duffy and/or Cara Horowitz at

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<sup>1</sup> We do not seek only any files remaining on Ms. Duffy’s machine or email account but on the University’s system, whether those machines or accounts or its backend logs, as if the records existed at any point they remain on the University’s system for these purposes.

a meeting at Harvard Law School on April 25, 2016, and/or on an April 15, 2016 “prep call”<sup>2</sup>, in whatever form you possess it/them, whether as written text, PDF, or slide show (e.g., Power Point, Keynote).

We request entire threads of which any responsive correspondence is a part, regardless whether any portion falls outside of the above time parameter.

To narrow this request, requester excludes from its request electronic correspondence that merely receives or forwards press clippings, such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”).

**We request records on the University’s system**, e.g., its backend logs, not those which survive on a faculty member’s specific device or account.

We reserve the right to inspect or assign a representative to inspect any records if for any reason the Office cannot or will not provide copies.

If the records are not currently in your possession, please notify me in writing, and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office. Given the nature of the records responsive to this request, all should be in electronic format, and therefore

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<sup>2</sup> For reference see April 13, 2016 email from Erin Burrows to Cara Horowitz and Sarah Duffy, Subject: Quick question about 4/15 call, produced to EPA on January 13, 2020, p. 6 of 114, PRR 19-7573.

there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing immediately.

We understand we owe the office the cost of material, required to satisfy this request. We agree to pay legitimate expenses up to \$50.00. If you estimate costs will exceed that please notify us immediately and break down the expected costs. This information is not, however, being sought for commercial purposes. If for any reason, our request for information cannot be satisfied without cost, then prior to any copying, please notify us immediately with the reasons for the denial and the cost that will be involved. Please produce these records electronically if possible to avoid unnecessary fees and otherwise conserve resources.

In accordance with generally accepted policy, if there are any costs associated with this request, we request a waiver or reduction of any fees connected with this request as disclosure of these requested records are for the public purpose. EPA has no commercial interest possible in these records and the Office is permitted to and does exercise discretion in waiving or reducing fees on that basis.

This request is being made in the public interest, and furnishing this information will benefit the public's understanding of recent events regarding climate litigation and municipalities which have been filing lawsuits against energy companies and working closely with attorneys general also to pursue opponents of the "climate" policy/political agenda. This information is being requested for the purpose of understanding how state institutions are involved, if at all, in the larger effort feeding this litigation industry.

The requested information is of critical importance to the nonprofit policy advocacy groups engaged on the issue of how public institutions are used toward private ends and/or in

conjunction with private interests, news media covering the issues, and any others concerned with government activities on this critical subject, or as the United States Supreme Court once noted in the context of the federal FOIA, what their government, which under open records laws includes publicly funded academic institutions, is up to.

As you know, the law requires that you respond to and fulfill this request within 10 business days. If these records will not be produced within this time, please notify me in writing immediately and explain the reasons why.

If you deny this request or withhold the document responsive to this request, please describe the material withheld and specify in detail the statutory or administrative basis for withholding it. Please cite each specific exemption to the California Government Code that you have determined justifies the refusal to produce the record. All segregable, non-exempt parts of the documents should be provided.

We request you make a timely determination on this request consistent with the statute.

If you have any questions, or require clarification of this request, please feel free contact me at any time using the contact information listed with this request. Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,

Matthew D. Hardin,