

PUBLIC INFORMATION ACT REQUEST

August 2, 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 statutorily permitted period copies of the following records:

- I. copies of all electronic correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) dmlyles@annapolis.gov, ii) jsguild@annapolis.gov, iii) mayorbuckley@annapolis.gov, that b) includes, *anywhere*, whether in the sent, to, from, cc, bcc or Subject fields, or otherwise, including also in any attachments, body of an email or anywhere in an email “thread”, i) @chesapeakeclimate.org, ii) @mdinitiative.org, thread”, iii) @ucsusa.org, iv) @garfieldfoundation.org, v) “Rick Reed”, and/or vi) @climateintegrity.org, and c) is dated from February 24, 2019 through the date you process this request, inclusive;
- II. copies of all electronic correspondence, and any accompanying information, including also any attachments, a) sent to or from or which copies (whether as cc: or bcc:) Mayor Gavin Buckley, that b) was also sent to or from or which copies (whether as cc: or bcc:) Anne Arundel County Executive Steuart Pittman, that c) includes, *anywhere*, whether in the sent, to, from, cc, bcc or Subject fields, or otherwise, including also in any attachments, body of an email or anywhere in an email “thread”, “climate” and, d) is dated from December 2, 2020 through the date you process this request, inclusive;
- III. *all disclosures* made to your Office of Law in 2021, by the law firm Sher Edling, LLP, which were made outside of the City’s representation/engagement/contingency fee contract with the agreement pertaining to the City’s suit 2021 filed in Anne Arundel County Circuit Court (City of Annapolis v. BP p.l.c.) 2021, and which disclosures relate to any conflicts of interest which that firm may have had or which relate to financial arrangements that firm may have had with parties other than the City of Annapolis; and
- IV. all *electronic or hard copy correspondence* sent to or from or copying employees of the Office of Law at any time in 2021 that uses the term “Resources Legacy Fund,” or “Resource Legacy Fund”.

These terms are not case sensitive.

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 in the event that 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 do not demand your Office produce requested information in any particular form, instead **we request records responsive to request number I in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.** The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards¹, “Electronic files must be produced in their native format, *i.e.*, the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. ***(Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)***” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and 2) make that unique metadata part of your production. Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your Office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they

¹ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

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

Sincerely,

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

Rob Schilling
Executive Director
Energy Policy Advocates