



September 21, 2020

VIA ELECTRONIC MAIL

Attn: Jotonna Tulloch
Open Records Custodian
Georgia Department of Law
40 Capitol Square SW
Atlanta, GA 30334
open_records@law.ga.gov

Public Records Custodian
State of Georgia Records Center
7815 Third Flag Parkway
Austell, GA 30168
StateRecordsCenter@usg.edu

Re: Open Records Request

Dear Public Records Custodian:

Pursuant to the Georgia Open Records Law (O.C.G.A. §§ 50-18-70 et seq.), American Oversight makes the following request for records.

Soon after the death of Supreme Court Justice Ruth Bader Ginsburg, President Trump signaled his intention to name a new nominee to the high court, saying that he intends the nomination and vetting process to “move very quickly.”¹ Among those reportedly under consideration is Britt Grant, a current judge on the Eleventh Circuit Court of Appeals. Formerly, Judge Grant

¹ Veronica Stracqualursi & Jim Acosta, *Trump on Supreme Court Nominee ‘It Will Be a Woman’*, CNN (Sept. 19, 2020, 8:31 PM), <https://www.cnn.com/2020/09/19/politics/trump-ruth-bader-ginsburg-vacant-seat-fill/index.html>.

¹ *Id.*; Geoff Bennett et al., *Trump Vows to Choose a Woman to Fill Ginsburg’s Supreme Court Seat*, NBC News (Sept. 19, 2020, 8:05 PM), <https://www.nbcnews.com/politics/supreme-court/amy-coney-barrett-emerging-front-runner-fill-ginsburg-s-supreme-n1240547>; Peter Baker & Maggie Haberman, *Trump Presses for New Justice ‘Without Delay’ as Election-Season Battle Looms*, N.Y. Times Sept. 19, 2020, <https://www.nytimes.com/2020/09/19/us/politics/supreme-court-trump.html>; Josh Wingrove et al., *Barrett Has Supreme Court Edge as List Widens to Lagoa, Thapar*, Bloomberg (Sept. 19, 2020, 2:18 PM), <https://www.bloomberg.com/news/articles/2020-09-19/amy-coney-barrett-emerges-as-frontrunner-for-trump-court-pick>; Carrie Johnson & Tamara Keith, *Sources: Trump Considers Barrett, Lagoa, Rushing for Supreme Court Spot*, NPR (Sept. 19, 2020 3:26 PM), <https://www.npr.org/sections/death-of-ruth-bader-ginsburg/2020/09/19/914829456/sources-trump-considers-coney-barrett-lagoa-thapar-for-supreme-court-spot>.



worked as a Counsel for Legal Policy in the Georgia Office of the Attorney General, as well as a Georgia Supreme Court Justice and Solicitor General of Georgia.²

Given the enormous national importance of and public interest in the background of the next nominee to the Supreme Court, American Oversight seeks records shedding light on Judge Grant's record, including her actions as Counsel for Legal Policy in the Georgia Office of the Attorney General.

Requested Records

American Oversight requests that your office produce the following within three business days, or provide a written description of any responsive records with a timetable for their production within three business days:

All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by (a) former Counsel for Legal Policy Britt Grant to (b) any of the following individuals or entities, including, but not limited to, at the suggested email addresses:

- i. Alliance Defense Fund (adflegal.org, adfmedia.org)
- ii. Americans for Prosperity (americansforprosperity.org)
- iii. Americans United for Life (aul.org)
- iv. Concerned Women for America (cwfa.org, concernedwomen.org)
- v. Family Research Council (frc.org)
- vi. Federalist Society (fed-soc.org)
- vii. Georgia Right to Life (grtl.org)
- viii. Georgia Life Alliance (georgialifealliance.com)
- ix. Heritage Foundation (heritage.org)
- x. Heritage Action for America (heritageaction.com)
- xi. Independent Women's Forum (iwf.org)
- xii. Judicial Crisis Network (judicialnetwork.com)
- xiii. Kirkland & Ellis, LLP (kirkland.com)
- xiv. Liberty Counsel (lc.org)
- xv. National Rifle Association (nra.org, nrahq.org, nraila.org, am.com)
- xvi. National Right to Life Committee (nrlc.org)
- xvii. Susan B. Anthony List (sba-list.org)
- xviii. The Trump Organization (trump.com, trumporg.com, triumphotels.com, maralagoclub.com, trumpgolfdoral.com)
- xix. U.S. Chamber of Commerce (uschamber.com)
- xx. U.S. Conference of Catholic Bishops (usccb.org)
- xxi. Leonard Leo (leonard.leo@fed-soc.org, lleo@fed-soc.org, ll@leonardleo.com, leonard.anthony.leo@gmail.com, leonard.leo@hotmail.com, leonard.leo@mindspring.com)

² Aaron Blake, *Who Trump Might Pick for the Supreme Court*, Wash. Post (Sep. 19, 2020, 3:55 PM), <https://www.washingtonpost.com/politics/2020/09/19/who-trump-might-pick-ruth-bader-ginsburg-replacement/>.

- xxii. Former Secretary of State of Georgia, Brian Kemp (including bkemp@sos.ga.gov, as well as any other known email addresses, including both personal and governmental accounts)
- xxiii. U.S. Supreme Court Justice Brett Kavanaugh

Please produce all responsive records from January 1, 2012, through January 6, 2015.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Ms. Grant. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Ms. Grant's response to an email from an email address ending in .com and the initial received message are responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

American Oversight insists that your office use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched.

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. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that 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 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.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, 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 office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF 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.

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.³

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

³ American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sept. 20, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sept. 20, 2020).