



December 17, 2020

VIA EMAIL

Open Records Custodian
Office of the Governor
206 Washington Street
111 State Capitol
Atlanta, GA 30334
open.records@georgia.gov

Re: Open Records Request

Dear 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.

On February 28, 2020, Georgia Supreme Court Justice Keith Blackwell announced his plans to step down from the court in November.¹ Then, in March, Governor Kemp and Secretary of State Raffensperger cancelled the election to select Blackwell's replacement, thereby enabling Governor Kemp to appoint a successor.² On December 1, Governor Kemp announced his intent to appoint Fulton County Superior Judge Shawn Ellen LaGrua to fill Blackwell's seat.³

American Oversight is seeking records concerning the Office of the Governor's consideration of candidates to fill former Justice Blackwell's seat and communications about Governor Kemp's selection of Judge LaGrua.

Requested Records

American Oversight requests that the Office of the Governor produce the following within three business days, or provide a written description of any responsive records with a timeline for their availability within three business days:

¹ Bill Rankin, *Blackwell to Step Down as Georgia Justice in November*, Atlanta J.-Const., Feb. 29, 2020, <https://www.ajc.com/news/local/blackwell-step-down-georgia-justice-november/OjGybdU5fjbzdJqqzpjPN/>.

² Ian Millhiser, *Georgia Republicans Cancel Election for State Supreme Court, So Governor Can Appoint a Republican*, Vox (May 19, 2020, 8:30 AM), <https://www.vox.com/2020/5/19/21262376/georgia-republicans-cancel-election-state-supreme-court-barrow-kemp-blackwell>.

³ Kate Brumback, *Georgia Governor Announces Pick to Fill High Court Seat*, Associated Press, Dec. 1, 2020, <https://apnews.com/article/atlanta-georgia-courts-e7133ceb2edd0c800f02b1b7d70d9445>.



1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any of the Office of the Governor officials listed in Column A below, containing any of the search terms listed in Column B below.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to communications sent by the listed custodians. 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 Governor Kemp’s response to an email from Leonard Leo and the initial received message are responsive to this request and should be produced.

2. All text message chains/conversations, or message chains/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received by any of the Office of the Governor officials listed in Column A below, containing any of the search terms listed in Column B below.

Column A: Office of the Governor Officials	Column B: Search Terms
<ol style="list-style-type: none"> i. Brian Kemp, Governor, or anyone communicating on his behalf (such as an assistant or scheduler) ii. Trey Kilpatrick, Chief of Staff iii. David Dove, Executive Counsel iv. Candice Broce, Chief Operating Officer v. Tim Fleming, former Chief of Staff 	<ol style="list-style-type: none"> i. LaGrua ii. “Leonard Leo” iii. Marx iv. Severino v. “Daniel Casey” vi. “Dan Casey” vii. “Jonathan Bunch” viii. “Greg Mueller” ix. Torchinsky x. Consovoy xi. CRC xii. “Federalist Society” xiii. FedSoc xiv. “Judicial Education Project” xv. JEP xvi. “Judicial Crisis Network” xvii. JCN xviii. “Council for National Policy” xix. CNP

Please provide all responsive records from February 28, 2020, to December 11, 2020.

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. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

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 by your office 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.⁴

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,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers
Executive Director
American Oversight

⁴ American Oversight currently has approximately 15,630 page likes on Facebook and 105,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Dec. 14, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Dec. 14, 2020).