



January 26, 2023

**VIA EMAIL**

Office of the Attorney General  
202 N. Ninth St  
Richmond, VA 23219  
[foia@oag.state.va.us](mailto:foia@oag.state.va.us)

**Re: Virginia Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Heather Sawyer, a resident of Virginia, make the following request for records.

**Requested Records**

I request that Office of the Attorney General produce the following records within five working days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, or Parler) between (a) Section Chief Josh Lief, Deputy Attorney General Leslie Haley, or anyone communicating on their behalf such as a Chief of Staff, assistant, or scheduler and (b) any of the external parties listed below.

Please provide all responsive records from October 9, 2022, through December 9, 2022.

- a) Jessica Anderson, Garrett Bess, or any person communicating from an email address ending in heritageaction.com
- b) Ed Meese, Bridgett Wagner, Hans von Spakovsky or any person communicating from an email address ending in heritage.org
- c) Kris Kobach (including, but not limited to, communications with the email [kkobach@gmail.com](mailto:kkobach@gmail.com) or [kris@kriskobach.com](mailto:kris@kriskobach.com))
- d) J. (John) Christian Adams, Maureen Riordan, Logan Churchwell or any person communicating from an email address ending in publicinterestlegal.org or electionlawcenter.com
- e) Cleta Mitchell, or any person communicating from an email address ending in @cletamitchell.com, foley.com, or freedomworks.org
- f) Catherine Engelbrecht, Courtney Kramer, or any person communicating from an email address ending in truethetvote.org

- g) Trent England, or any person communicating from an email address ending in saveourstates.com
- h) Ken Cuccinelli, or any person communicating from an email address ending in sba-list.org, americanprinciplesproject.org, americarenewing.com, or electiontransparency.org
- i) Leonard Leo, Jason Snead, or any person communicating from an email address ending in honestelections.org, fed-soc.org, or @jasonsnead.com
- j) Jim DeMint, Mark Meadows, Ed Corrigan, or anyone communicating from an email address ending in conservativepartnership.org or cpi.org
- k) Tracie Sharp, Kathleen O'Hearn, or any person communicating from an email address ending in spn.org
- l) Jenna Ellis, or any person communicating from an email address ending in @americangreatnessfund.com or thomasmoresociety.org
- m) Michael Bowman, Bill Meierling, or any person communicating from an email address ending in alec.org
- n) James Bopp, or any person communicating from an email address ending in boppplaw.com or from [jboppjr@aol.com](mailto:jboppjr@aol.com)
- o) Phill Kline ([phillklineva@gmail.com](mailto:phillklineva@gmail.com)), Jacquelin Timmer, or anyone communicating from an email address ending in amistadproject.org or @got-freedom.org
- p) Michael Connolly, or any person communicating from an email address ending in consovoy MCCarthy.com
- q) Jason Torchinsky, or any person communicating from an email address ending in hvjt.law or holtzmanvogel.com
- r) Stefan Passantino ([stefanpassantino@onebox.com](mailto:stefanpassantino@onebox.com)), Justin Clark, or any person communicating from an email address ending in michaelbest.com
- s) Gina Swoboda ([ginaswoboda@hotmail.com](mailto:ginaswoboda@hotmail.com)), or any person communicating from an email address ending in voteref.com, voterreferencefoundation.com, or restorationaction.com
- t) Commissioner Christy McCormick, U.S. Election Assistance Commission
- u) Commissioner Donald Palmer, U.S. Election Assistance Commission

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Deputy Attorney General Haley received a mass-distribution news clip email sent by one of the external parties, that initial email would not be responsive to this request. However, if Deputy Attorney General Haley forwarded that email to another individual with her own commentary, that subsequent message would be responsive to this request and should be produced.

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

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, I provide the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. I seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- My request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to this request, this request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- 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 a request is denied in whole, please state specifically why 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 the agency 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.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to me, please do not hesitate to reach out to my representative at the contact information listed below to discuss this request. We welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email to the address listed below. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to Heather Sawyer, c/o American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

### **Conclusion**

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact Rachel Baron at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 897-2465.

Sincerely,

/s/ Heather Sawyer  
Heather Sawyer