

COMMONWEALTH OF MASSACHUSETTS

[SUFFOLK, ss.]

SUPERIOR COURT
Civil Action No. ____

ENERGY POLICY ADVOCATES,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL
OF MASSACHUSETTS, MAURA HEALEY,
in her official capacity as Attorney General,
OFFICE OF THE SECRETARY OF THE
COMMONWEALTH, and WILLIAM
FRANCIS GALVIN, in his official capacity
as Secretary of the Commonwealth

Defendants.

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND ACTION IN
THE NATURE OF CERTIORARI**

1. This is an action under the Massachusetts Public Records Law, M.G.L. c. 66, § 10A and Clause 26 of c. 4, §7, the Declaratory Judgment Act, M.G.L. c. 231A, §1, and M.G.L. c. 249, §4, seeking public records requested from the Office of the Attorney General of Massachusetts (“OAG”) in four separate but substantively related requests. The action also is for common law breach of contract.
2. OAG has failed to acknowledge or respond in any way to one request; taken nearly \$1,000 from Plaintiff without producing any records in response to another; taken nearly \$600 from Plaintiff without producing any records in response to a third request; and now seeks another thousand dollars to purportedly process another of the requests, amounting to imposing a fee barrier to access and delaying tactic, both of which represent constructive denial.

PARTIES

3. Plaintiff Energy Policy Advocates (“EPA”) is a nonprofit organization incorporated in the state of Washington which uses state and federal open records laws to reveal and educate the public on - private influences on governmental policy and on the use of its powers and resources. Part of EPA’s effort has been the record requests at issue in this matter.
4. Defendant Maura Healey is the Attorney General of Massachusetts. Attorney General Healey is the formal custodian of all records for the OAG. She is being sued in her official capacity as Attorney General. Her usual place of employment is One Ashburton Place, 20th Floor, Boston, Massachusetts 02108.
5. Defendant Office of the Attorney General has physical custody of the public records sought. It is located at One Ashburton Place, 20th Floor, Boston, Massachusetts 02108.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action under M.G.L. c. 66, §10A(c), which states, “a requestor may initiate a civil action to enforce the requirements of this chapter”.
7. Venue is proper in Suffolk County because OAG and the Secretary of the Commonwealth are both state agencies and any action against a state agency must be filed in Suffolk County. M.G.L. c. 66, §10A(c).

STATEMENT OF FACTS

Background to EPA’s Public Records Requests

8. This action involves four substantively-related requests for records, which Plaintiff EPA sent to Defendant the Office of Attorney General, the first of which Plaintiff made on November 15, 2019, the last of which Plaintiff made on April 28, 2020.

9. All four requests relate to OAG's relationships with outside parties.
10. One of these parties is an activist-group attorney named Brad Campbell who, with and through his organization, the Conservation Law Foundation, advocates for and has developed, assisted, and encouraged attorneys general investigations of private parties for alleged offenses related to claimed catastrophic man-made climate change.
11. The public record, including correspondence obtained from the Office of Attorney General in litigation, includes coordination between Mr. Campbell and an attorney in private practice named Matt Pawa on a private briefing of OAG staff. That January 2016 briefing by Pawa sought an investigation of ExxonMobil, a company that Mr. Pawa was also targeting with his own civil "climate tort" litigation.
12. Soon after that January 2016 briefing, OAG did initiate such an investigation and subsequent litigation. See <https://www.mass.gov/lists/attorney-generals-office-exxon-investigation>.
13. Mr. Campbell and his organization then sued the same company the next month. See <https://www.clf.org/newsroom/clf-sues-exxonmobil/>.
14. Public records also show that the specific litigation AG Healey subsequently filed against ExxonMobil at Pawa's urging was also pitched to OAG by Cara Horowitz, the second outside party whose correspondence with OAG is the subject of Plaintiff's requests at issue in this matter. Ms. Horowitz is a faculty member at UCLA Law School's Emmett Institute.
15. Records show that at a meeting in Cambridge, Massachusetts also attended by five OAG attorneys¹, Ms. Horowitz advocated OAG pursue such litigation.

¹ See, e.g., March 17, 2016 email from OAG's Melissa Hoffer to Harvard Law School's Shaun Goho, Subject: RE: SAVE THE DATE—HLS/UCS Meeting on April 25, 2016 listing Andy Goldberg, Glenn Kaplan, Christophe

16. As Ms. Horowitz candidly, if indelicately, described the desired litigation campaign in an email sent from that meeting to her Center’s namesake benefactor, Dan Emmett, the effort would entail “going after climate denialism [sic]—along with a bunch of state and local prosecutors nationwide.”²
17. That campaign has led to attorneys general investigations of private parties,³ and targeted more than 100 research and advocacy groups, scientists, and others.⁴
18. The requested records are of great public interest. They reflect efforts to enlist law enforcement in a tort litigation and activist campaign in the name of “climate change”, “going after” opponents of proposals to rapidly and radically redesign our economic and political/ policymaking system,⁵ and unleashing law enforcement on political speech in order to silence it.
19. These efforts included the Cambridge briefing, described by one presenter as a “secret meeting at Harvard”⁶ in March 2016 for staff of state attorneys general, local prosecutors,

Courchesne, Richard Johnson as OAG lawyers who would attend the meeting in addition to herself. Plaintiff EPA states on information and belief that Mr. Campbell also participated in this meeting.

² “Hi Dan, Thought you would like to hear that Harvard’s enviro clinic, UCLA Emmett Institute, and the Union of Concerned Scientists are talking together today about going after climate denialism [sic]—along with a bunch of state and local prosecutors nationwide. Good discussion.” April 25, 2016 email from UCLA Law School’s Cara Horowitz to Dan Emmett, namesake and funder of the Harvard and UCLA centers, Subject: UCLA and Harvard Emmetts come together today. Available at <https://climate litigation watch.org/on-the-subject-of-recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/>.

³ *People of the State of New York v PricewaterhouseCoopers and Exxon Mobil Corporation*, New York State Supreme Court, New York County, No. 451962/2016, and 1:17-cv-2301 in U.S. District Court, Southern District of New York; *People of the State of New York v. Exxon Mobil Corporation*, Supreme Court of New York Index No. 452044/2018; *Commonwealth of Massachusetts v. Exxon Mobil Corporation*, Suffolk County Superior Court, 19-3333.

⁴ *See, e.g.*, Valerie Richardson, “Exxon climate change dissent subpoena sweeps up more than 100 U.S. institutions”, Washington Times, May 3, 2016, <https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-communications/>; Walter Olson, “Massachusetts AG to Exxon: hand over your communications with think tanks”, June 16, 2016, <https://www.overlawyered.com/2016/06/+setts-ag-exxon-hand-communications-think-tanks/>.

⁵ *See, e.g.*, *Juliana v. United States*, 9th Cir., No. 18-36082, D.C. No. 6:15-cv-01517- AA, Slip Op., January 17, 2020, <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/17/18-36082.pdf>.

⁶ “I will be showing this Monday at a secret meeting at Harvard that I’ll tell you about next time we chat. very [sic] exciting!” April 22, 2016, email from Oregon State University Professor Philip Mote to unknown party, Subject: [REDACTED], and “I’m actually also planning to show this in a secret meeting next Monday—will tell you

activists, and “prospective funders”⁷ of a coordinated campaign pushing “potential state causes of action against major carbon [sic] producers”.⁸

20. A public record obtained from the California Office of Attorney General (OAG) titled “Technical Advisors and Experts” lists Ms. Horowitz among the presenters at that briefing.
21. The meeting agenda obtained under open records laws shows that at this meeting, Ms. Horowitz advocated “climate”-related “consumer protection claims” be brought against energy companies. The OAG, which sent five attorneys to this briefing, subsequently filed a complaint against ExxonMobil for “potential violations of the Massachusetts consumer protection statute,” now pending.⁹
22. This litigation and the AG-lobbying campaign flowed from a 2012 legal strategies meeting in La Jolla, California, convened to contemplate the general failure of legislative efforts to impose this “climate” agenda nationally. The summary of Mr. Pawa’s part of the meeting stated, *inter alia*, “State attorneys general can also subpoena documents, raising the possibility that a single sympathetic state attorney general might have substantial success in bringing key internal documents to light. In addition, lawyers at the workshop noted that even grand juries convened by a district attorney could result in significant document discovery.”¹⁰ The same report also stated, “Equally important was

sometime.” April 20, 2016, Philip Mote email to unknown party, Subject: [REDACTED]. Both obtained from Oregon State University on March 29, 2018, in response to a January 9, 2018 Public Records Act (PRA) request.

⁷ “We will have as small number of climate science colleagues, as well as prospective funders, at the meeting.” March 14, 2016, email from Frumhoff to Mote; Subject: invitation to Harvard University—UCS convening. Obtained under same PRA request cited in note 6, *supra*.

⁸ “Confidential Review Draft—March 20, 2016, Potential State Causes of Action Against Major Carbon Producers: Scientific, Legal, and Historical Perspectives.” Obtained in *Energy & Environment Legal Institute v. Attorney General*, Superior Court of the State of Vermont, 349-16-9 Wnc, December 6, 2017.

⁹ *Commonwealth of Massachusetts v. Exxon Mobil Corporation*, Suffolk County Superior Court, 19-3333.

¹⁰ Climate Accountability Institute, *Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control* 11 (Oct. 2012),

the nearly unanimous agreement on the importance of legal actions, both in wresting potentially useful internal documents from the fossil fuel industry and, more broadly, in maintaining pressure on the industry that could eventually lead to its support for legislative and regulatory responses to global warming.”¹¹

23. One federal court has described this meeting as having “discussed, among other things ... ‘strategies to win access to internal documents’ of fossil fuel companies.”¹²
24. Pawa has previously suggested that this campaign to use the courts in this way was a response to advocates having failed to impose a policy agenda through the legislative process.¹³
25. Politics are at the heart of this campaign to recruit attorneys general to a cause. One court has noted how: “In January 2016, Mr. Pawa engaged participants at the Rockefeller Family Fund offices in New York City to further solidify the ‘[g]oals of an Exxon campaign’ that Mr. Pawa developed at the La Jolla conference. According to a draft agenda for the meeting, the goals of this campaign included: (i) ‘[t]o establish in [the] public's mind that Exxon is a corrupt institution that has pushed humanity (and all creation) toward climate chaos and grave harm’; (ii) ‘[t]o delegitimize [ExxonMobil] as a political actor’; (iii) ‘[t]o drive divestment from Exxon’; and (iv) ‘[t]o force officials to

<http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct12.pdf> (Summary of the Workshop on Climate Accountability, Public Opinion, and Legal Strategies).

¹¹ Id. at 27.

¹² Order, transferring *Exxon v. Eric Schneiderman and Maura Healey* from the Northern District of Texas to the Southern District of New York, Kinkeade, J., C.A. No. 4:16-CVK-469-K (N.D. TX, Mar. 29 2017), <https://www.mass.gov/files/documents/2017/03/zi/March%252029%252C%25202017%2520Order%2520of%2520the%2520United%2520State%2520Court%2520of%2520Appeals%2520for%2520the%2520Fifth%2520Circuit%2520Transferring%2520Case%2520to%2520Southern%2520District%2520of%2520New%2520York.pdf>.

¹³ Zoe Carpenter, *The Government May Already Have the Law It Needs to Beat Big Oil*, *The Nation* (July 15, 2015), <https://www.thenation.com/article/the-government-may-already-have-the-law-it-needs-to-beat-big-oil/> (quoting Pawa, in an article advocating RICO actions against fossil fuel companies: “Legislation is going nowhere, so litigation could potentially play an important role.”) (Last viewed May 16, 2019).

disassociate themselves from Exxon, their money, and their historic opposition to climate progress, for example by refusing campaign donations, refusing to take meetings, calling for a price on carbon, etc.’ According to the draft agenda, Mr. Pawa and the other participants aimed to chill and suppress ExxonMobil's speech through ‘legal actions & related campaigns,’ including ‘AGs’ and ‘Tort[]’ suits. The draft agenda notes that participants planned to use ‘AGs’ and ‘Tort[]’ suits to get[] discovery’ and ‘creat[e] scandal.’”¹⁴

26. With the aim of enlisting a “sympathetic” AG in Massachusetts, Mr. Pawa arranged to brief several OAG attorneys on January 11, 2016, according to emails obtained from OAG only after Plaintiff filed suit over OAG’s unlawful withholding of the records under improper claims of privilege.¹⁵
 27. These public records reveal Mr. Pawa stated, *inter alia*, “I have been in discussions with Brad Campbell of CLF about the Exxon issue and we are coordinating on this.”¹⁶
 28. The records indicate that the “this” Pawa was referring to was Pawa’s marketing pitch to the attorneys general, titled, “What Exxon Knew—And What It Did Anyway.”¹⁷
- Moments after Pawa gave this presentation to a larger group of attorneys general including AG Healey in a secret, pre-press conference briefing that March, Healey

¹⁴ Findings of Fact and Conclusions of Law, Exxon Mobil Corporation, Petitioner, Cause No. 096- 297222-18, District Court of Tarrant County, TX, April 25, 2018, <https://climatelitigationwatch.org/wp-content/uploads/2019/10/Tarrant-County-Facts-and-Conclusions.pdf>, ¶¶11-12.

¹⁵ See, e.g., January 11, 2016 email thread among Pawa, his colleague Ben Krass, and OAG’s Christophe Courchesne and Melissa Hoffer, Subject: Today. Mr. Pawa and the same two OAG attorneys had a followup call at 9:30 am on April 1, 2016, after AG Healey announced her investigation into the very title as Pawa’s presentation, “What Exxon Knew” (*infra*). April 1, 2016 email from OAG’s Christophe Courchesne to Matt Pawa, Subject: today.

¹⁶ January 4, 2016 email from Pawa to OAG’s Christophe Courchesne and Melissa Hoffer, Subject: global warming.

¹⁷ See, e.g., April 19, 2016 calendar entry for Connecticut Deputy Attorney General Matthew Levine, produced under Connecticut’s Freedom of Information Act. Other state public record productions show Pawa gave this presentation to Illinois OAG on DATE, 2016 and California OAG between April 1 and April 7, 2016, 2016. Public records also show Pawa provided OAGs a link to a video of his presentation. See, e.g., January 13, 2016, email from David Zonana to Sally Magnani, Martin Goyette, Amy J. Winn, Dennis Ragen, and Heather Leslie; Subject: Tomorrow’s Meeting—Part 1 of 2.

emerged to declare at the press conference, *inter alia*, “Fossil fuel companies that deceived investors and consumers about the dangers of climate change should be, must be, held accountable. That’s why I, too, have joined in investigating the practices of ExxonMobil. We can all see today the troubling disconnect between what Exxon knew, what industry folks knew, and what the company and industry chose to share with investors and with the American public.”¹⁸

29. AG Healey refers here to the investigation she opened several weeks later, on April 19, 2016.¹⁹
30. The secret nature of that briefing was revealed by other public records,²⁰ and one federal court has written that the AGs’ efforts to keep this collaboration from public knowledge “suggest that the attorneys general are trying to hide something from the public”.²¹
31. Plaintiff has also learned of other coordination by OAG with other outside parties, which is the subject of the other two records request at issue in this matter, described, *infra*.
32. Obviously, this collaboration - using public office at the request of activists, funders and the plaintiff’s tort bar - is the subject of great media and public interest.

¹⁸ <https://ag.ny.gov/press-release/ag-schneiderman-former-vice-president-al-gore-and-coalition-attorneysgeneral-across>.

¹⁹ <https://www.mass.gov/lists/attorney-generals-office-exxon-investigation>

²⁰ Sean Higgins, *NY atty. general sought to keep lawyer’s role in climate change push secret*, Washington Examiner (Apr. 18, 2016), <http://www.washingtonexaminer.com/ny-atty-general-sought-to-keep-lawyers-role-in-climate-change-push-secret/article/2588874>; Terry Wade, *U.S. state prosecutors met with climate groups as Exxon probes expanded*, Reuters (Apr. 15, 2016), <http://www.reuters.com/article/us-exxonmobil-states/u-s-state-prosecutors-met-with-climate-groups-as-exxon-probes-expanded-idUSKCN0XC2U2>.

²¹ In an order transferring a case from the Northern District of Texas to the Southern District of New York, Judge Kinkeade of the Northern District Court noted “[t]he day after the closed door meeting, on March 30, 2017, Mr. Pawa emailed the Office of the New York Attorney General to ask how he should respond if asked by a reporter from *The Wall Street Journal* whether he attended the closed door meeting with the attorneys general. The Office of the New York Attorney General responded by instructing Mr. Pawa ‘to not confirm that you attended or otherwise discuss the event.’ Does this reluctance to be open suggest that the attorneys general are trying to hide something from the public?” *Exxon v. Healey*, Civil Action No. 4:16-CVK-469-K (N.D. TX, Mar. 29, 2017) at 8.

EPA's November 15, 2019 Public Records Request

33. On November 15, 2019, Plaintiff submitted a public records request via email to OAG's Records Access Officer requesting certain described correspondence of three OAG employees with or including anywhere Cara Horowitz or horowitz@law.ucla.edu, dated during a specified period of approximately eight months. (Exhibit 1).
34. The Public Records Act requires that the Records Access Officer respond to requests without unreasonable delay and within ten business days. M.G.L. c. 66, §10(a)
35. Here, this meant that OAG's statutory deadline for responding to this request was December 2, 2019.
36. On December 27, 2019, Plaintiff wrote to OAG's Records Access Officer by email asking for an update, reattaching the request for reference.
37. On the same day, OAG replied to Plaintiff that work to process pending record requests would begin on January 2, 2020.
38. On February 7, 2020, Plaintiff again wrote by email to OAG's Records Access Officer by email asking for an update.
39. Despite the assurances and after five further months and nearly eight months total, OAG still has yet to provide a substantive acknowledgement of or response to this request.

EPA's January 17, 2020 Public Records Request

40. On January 17, 2020, Plaintiff EPA submitted a public records request via email to OAG's Records Access Officer, seeking certain described correspondence of two OAG employees with Mr. Brad Campbell or his organization's email domain, dated over a described period of 13 months. (Exhibit 2)
41. On February 4, 2020, OAG requested \$975.00 to process this request. (Exhibit 3)

42. Plaintiff paid this amount by check, dated and mailed February 7, 2020.
43. OAG cashed this check on February 14, 2020.
44. Despite the payment, five months later OAG has failed to produce any records responsive to this request.

EPA's March 7, 2020 Public Records Request

45. On March 7, 2020, Plaintiff EPA submitted a public records request via email to OAG's Records Access Officer, seeking certain described correspondence of three OAG employees with an employee of the New York State Office of Attorney General on six specific dates, as well as all correspondence that included the names "Bachmann" and/or "Goffman" over a specified period of time. (Exhibit 4)
46. Plaintiff further narrowed its request by email dated March 24, 2020.
47. On March 23, 2020, OAG requested \$575.00 to process this request. (Exhibit 5)
48. Plaintiff paid this amount by check dated and mailed March 25, 2020.
49. OAG cashed this check on April 7, 2020.
50. Three months later, OAG has failed to produce any records responsive to this request.

EPA's April 28, 2020 Public Records Request

51. On April 28, 2020, Plaintiff EPA submitted a public records request via email to OAG's Records Access Officer, seeking certain described correspondence, if any exists, of two OAG employees containing both "complaint" and any of the following: "criteria pollutant," "greenhouse gas," or "GHG." Plaintiff also requested all notices made pursuant to any common interest agreement of any public records request or lawsuit submitted by Plaintiff EPA and/or individuals associated with EPA. (Exhibit 6)
52. On May 13, 2020, OAG requested \$1,000.00 to process this request. (Exhibit 7)

53. Having already experienced Defendant's practice of constructive denial by delay and fee barrier, and breach of contract in repeatedly taking a not-for-profit public policy/transparency group's money only to not produce records, Plaintiff did not pay this amount, but instead by this action seeks production of the responsive records over OAG's constructive denial, and seeking to enforce the Massachusetts Public Records Law.

STATEMENT OF CLAIMS

Count I

(Violation of Massachusetts Public Records Law, M.G.L. c. 66, §10 & M.G.L. c. 4, §7)

54. Plaintiff realleges and incorporates by reference the allegations above.
55. Under the Massachusetts Public Record Law, a records custodian "...shall at reasonable times and without unreasonable delay permit inspection or furnish a copy of any public record." M.G.L. c. 66, §10(a). A public record in Massachusetts is defined by M.G.L. c. 4, §7 to include "documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency...of the commonwealth." The documents EPA requested constitute public records under the statute, and the Plaintiff requested the appropriate records custodian.
56. By refusing to provide the records, or even redacted portions of the records sought in the above-cited requests, Defendant's actions violate M.G.L. c. 66, § 10.

Count II

(Declaratory Judgment, M.G.L. c. 231A, §1)

57. Plaintiff realleges and incorporates by reference the allegations above.
58. There is an actual controversy between EPA and OAG regarding the requested public records.

59. Pursuant to M.G.L. c. 231A, §1 and the Massachusetts Public Records Law, Plaintiff is entitled to a declaration that the records requested are public records within the meaning of M.G.L. c. 4, §7, that their release is required by law, that Defendant has no right to withhold such records, and that Defendant has improperly withheld such records.

Count III

(Violation of M.G.L. c. 66, § 10)

60. Plaintiff realleges and incorporates by reference the allegations above.

61. There is an actual controversy between EPA and OAG regarding the requested public records.

62. Pursuant to M.G.L. c. 231A, §1 and the Massachusetts Public Records Law, Plaintiff is entitled to a declaration that the records requested are public records within the meaning of M.G.L. c. 66, § 10(a), that their release is required by law, that Defendant has no right to withhold such records, and that Defendant has unlawfully withheld the records.

63. Plaintiff is also entitled to a declaration that, should any exemption apply to its requests, OAG must redact those portions that constitute the exempted material and produce the remainder.

Count IV

(Common Law Breach of Contract)

64. Plaintiff realleges and incorporates by reference the allegations above.

65. To process EPA's January 17, 2020 Public Records Act request, the OAG demanded that EPA pay \$975.00 to cover its costs.

66. Despite EPA's payment of that exorbitant sum, OAG never produced the documents it stated those costs would cover, nor is there any indication that OAG ever processed the request.
67. The exchange amounted to a contract between OAG and EPA because both parties understood what was to be performed in exchange for the consideration of \$975.00.
68. By failing to provide the documents or process the request, OAG has breached its contract with EPA.

Count V

(Common Law Breach of Contract)

69. Plaintiff realleges and incorporates by reference the allegations above.
70. To process EPA's March 7, 2020 Public Records Act request, the OAG demanded that EPA pay \$575.00 to cover its costs.
71. Despite EPA's payment of that exorbitant sum, OAG never produced the documents it stated those costs would cover, nor is there any indication that OAG processed the request.
72. The exchange amounted to a contract between OAG and EPA because both parties understood what was to be performed in exchange for the consideration of \$575.00.
73. By failing to provide the documents or process the request, OAG has breached its contract with EPA.

Count VI

(Violation of M.G.L. c. 66, § 10)

74. Plaintiff realleges and incorporates by reference the allegations above.

75. There is an actual controversy between EPA and OAG regarding the requested public records.
76. The Massachusetts Public Records Law permits a records access officer to assess reasonable fees for the production of public records. M.G.L. c. 66 § 10(d).
77. OAG's repeated practice of assessing unreasonable fees both deters requesters from seeking public records in the custody of OAG and serves as a delaying mechanism in violation of M.G.L. c. 66 § 10.

Prayer for Relief

WHEREFORE, the Plaintiff requests that this Court:

1. Issue a declaratory judgment that the records requested are public records within the meaning of the Massachusetts Public Records Law and that the OAG has improperly failed to produce such records;
2. Enter a permanent injunction requiring the OAG to produce all of the records the Plaintiff has requested, subject to any legitimate redaction;
3. Issue a declaratory judgment, requiring the OAG to document the personnel in its Office who processed Plaintiff's January 17, 2020 Public Records Act request, what that process consisted of, and when it was performed, in return for the \$975.00 fee assessed on the basis of specific, projected costs;
4. Issue a declaratory judgment requiring that the OAG document the personnel in its Office who processed Plaintiff's March 7, 2020 Public Records Act request, what that process consisted of, and when it was performed, in return for the \$575.00 fee assessed on the basis of specific, projected costs;

5. Issue a declaratory judgment that the OAG's constructive denial of Plaintiff's requests are null, void, and without legal effect;
6. Issue a declaratory judgment that the OAG return the fees taken from Plaintiff for processing the records never produced, and produce those records to Plaintiff, subject only to any proper withholding;
7. In the alternative, order specific performance of the agreement between Plaintiff and Defendant;
8. Award the Plaintiff its costs and attorneys' fees in bringing this action; and
9. Grant such other relief as the Court deems just and proper.

DATED: July 8, 2020

Respectfully submitted,
The Plaintiff, Energy Policy Advocates,
by its attorneys,

/s/ Timothy Cornell

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