

# *Exhibit 1*

State of Michigan  
In the Court of Claims

GOVERNMENT ACCOUNTABILITY  
& OVERSIGHT, a Wyoming nonprofit  
Corporation,

Case No. 24-000060-MZ  
Hon. Brock A. Swartzle

Plaintiff,

v.

THE BOARD OF REGENTS OF THE  
UNIVERSITY OF MICHIGAN,

Defendant.

**AFFIDAVIT OF RACHEL ROTHSCHILD, J.D., Ph.D.**

STATE OF MICHIGAN            )  
  ) SS  
COUNTY OF WASHTENAW    )

Rachel Rothschild, being first duly sworn, states as follows:

1. I am an adult and otherwise competent to testify to the facts stated below. I make this Affidavit based upon my own personal knowledge.
2. I am a graduate of Princeton University, where I received a Bachelor of Arts in History, Yale University, where I received a Ph.D. in History, and New York University School of Law, where I received a J.D.
3. I am currently an Assistant Professor of Law at the University of Michigan Law School (“University”), a position I have held since approximately July 2022.
4. Prior to my employment with the University, I was a legal fellow at the Institute for Policy Integrity (the “Institute”), which is a non-partisan think tank dedicated to improving the quality of governmental decision-making. Since I began my employment with the University, I remain an affiliated scholar at the Institute.

5. In my role as a legal fellow at the Institute, I worked as an attorney, providing legal advice to non-profit organizations regarding climate change legislation. One of those non-profit organizations is the Rockefeller Family Fund, which uses the email suffix “@rffund.org.”

6. Despite no longer being a legal fellow at the institute, I continue to provide legal advice to the Rockefeller Family Fund, but on a pro bono basis. The pro bono legal advice that I provide to the Rockefeller Family Fund is not part of my job duties with the University. I am not required or expected to provide pro bono legal advice in my role as an Assistant Professor.

7. I am familiar with a Freedom of Information Act (“FOIA”) request sent by Governmental Accountability & Oversight (“GAO”) on February 9, 2024. That request seeks emails sent to or from me between January 1, 2023 through July 31, 2023 that were sent to or from any email address ending in either “a) @rffund.org, b) @michiganlcu.org, c) @climateintegrity.org, d) @michiganlcu.org, e) @biologicaldiversity.org, and/or e) @pirgim.org.”

8. During the requested time period, I did not send or receive emails with any addresses ending in these suffixes except for emails to and from “@rffund.org.” Those emails relate to the pro bono legal advice I provided. Because that legal advice is unrelated to my role as an Assistant Professor at the University, each of the emails that I sent to or received from “@rffund.org” were from my personal Gmail account and were sent in my personal capacity and not in my capacity as a University professor. I did not communicate with the Rockefeller Family Fund using my University email account. Overall, each of my emails with the Rockefeller Family Fund consist of legal advice or requests for legal advice and are therefore protected by the attorney-client privilege.

9. I am familiar with two additional FOIA requests sent by the GAO on March 6, 2024 and March 26, 2024. These requests seek emails sent to or from me between January 1, 2023 through July 31, 2023 that includes in the email or in an attachment the search term “American Petroleum Institute Opposition to a Climate Superfund Act” and were sent to or from email addresses ending in “.edu,” “.org,” “.gov,” and/or “.com.”

10. As with the February 9, 2024 FOIA request, the emails I sent or received during this time frame with the search term “American Petroleum Institute Opposition to a Climate Superfund Act” are maintained in my personal Gmail account and were sent in my personal capacity and not in my capacity as a University professor. I did not send or receive any such emails from my University email account. My communications regarding this search term were with the Rockefeller Family Fund and other attorneys and employees with the Institute for Policy Integrity. These emails consist of legal advice, requests for legal advice, and discussion of the public release of a legal memorandum that I drafted at the request of the Rockefeller Family Fund. Specifically, this memorandum sets forth legal arguments in response to a statement that the American Petroleum Institute issued in opposition to a proposed bill, the Climate Superfund Act, that was being considered in New York State. Emails regarding this memorandum discuss the legal advice that I provided to the Rockefeller Family Fund with the help of other attorneys at the Institute and whether to release the memorandum to the public. Although the memorandum lists my title as University professor after my name, it is included to identify me as the author and does not signify that the memorandum was drafted in my role as a University professor. Instead, the memorandum was drafted in my personal capacity providing pro bono legal advice and not as an employee of the University.

Rachel Rothschild  
Rachel Rothschild

Subscribed and sworn to before me  
on this ~~23~~ day of ~~May~~, 2024 June 3, 2024  
Q. J. Jorgensen  
Notary Public  
Washtenaw County, Michigan  
My Commission Expires: 9-13-24

JENNIFER LYNN TRAVER  
Notary Public - State of Michigan  
County of Monroe  
My Commission Expires Sep 13, 2024  
Acting in the County of \_\_\_\_\_

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