

07/02/2024

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**

GOVERNMENT ACCOUNTABILITY &
OVERSIGHT,

Petitioner,

v.

THE ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA DEPARTMENT OF JUSTICE

Respondent.

) Case No. 24WMO00101

)
) **VERIFIED PETITION FOR WRIT OF**
) **MANDATE ORDERING COMPLIANCE**
) **WITH THE CALIFORNIA PUBLIC**
) **RECORDS ACT**

)
) **Gov. Code §§ 7920.000, et seq.**
) **Code Civ. Proc. §§ 1085, et seq.**

Petitioner Government Accountability & Oversight (“Petitioner” or “GAO”) alleges the following with personal knowledge as to its own status, condition and acts and on information and belief as to all other matters.

INTRODUCTION

1. By this petition, Petitioner seeks injunctive or declaratory relief or a writ of mandate pursuant to Code of Civil Procedure section 1085 and Government Code section 7923.000 to enforce its right to receive copies under Government Code sections 7920.000, *et seq.*, (the “California Public Records Act” or “CPRA”) of those public records (1) requested by Petitioner from the Office of the Attorney General of the State of California (“Respondent”, or “OAG”)/Department of Justice of the

VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE

DOCS_LA:344078.1 38333/008

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1 State of California (“Respondent” or “DOJ”) in the six CPRA requests herein specified dated
2 between December 8, 2023 and April 12, 2024 (“December 8, 2023 Request” or “PRR # 2023-
3 03008”, “December 20, 2023 Request” or “PRR # 2023-03086”, “December 26, 2023 Request” or
4 “PRR # 2023-03124”, “December 29, 2023 Request” or “PRR # 2023-03158”, “January 3, 2024
5 Request” or “PRR # 2024-00027”, and “April 12, 2024 Request PRR # 2024-01044”) (collectively
6 the “CPRA Requests”) and (2) withheld or improperly redacted by OAG in response to the CPRA
7 Requests.

8 **DECEMBER 8, 2023 REQUEST AND RESPONSE**

9 2. On December 8, 2023, Petitioner submitted a CPRA request to OAG seeking
10 correspondence of two DOJ officials that was to or from or included the email domain of one or
11 more of five pressure groups over a specified period of time in 2023. A true and correct copy of the
12 December 8, 2023, request is attached as **Exhibit 1** hereto.

13 3. After assigning this request number 2023-03008, Respondent sent a signed letter via
14 email on December 18, 2023 (“Respondent’s December 18, 2023, Letter”) releasing certain records
15 and withholding in full some unstated number of records, invoking generally confidentiality
16 privileges as incorporated in Government Code section 7927.705, attorney-client privilege as
17 codified in Evidence Code section 954, and Code of Civil Procedure section 2018.030 (attorney
18 work product). A true and correct copy of Respondent’s December 18, 2023, Letter is attached as
19 **Exhibit 2** hereto.

20 **DECEMBER 20, 2023 REQUEST AND RESPONSE**

21 4. On December 20, 2023, Petitioner submitted a CPRA request to OAG seeking
22 correspondence of two DOJ officials that was to or from or included the email domain of one
23 pressure group over a specified period of time in 2023. A true and correct copy of the December 20,
24 2023, request is attached as **Exhibit 3** hereto.

25 5. After assigning this request number 2023-03086, taking an extension of time to
26 respond and stating that some records responsive to the request had been previously provided in
27 response to Petitioner’s December 8, 2023 request, Respondent sent a letter via email on February 6,
28

2024, releasing 27 records, redacted of what Respondent called personally identifying information and information relating to security, which redactions Petitioner does not challenge in this matter. Respondent projected another production would issue “around February 27, 2024.”

6. On March 15, 2024 (“Respondent’s March 15, 2024”) releasing 7 records (redacted) and withholding in full some unstated number of records, invoking generally the deliberative process privilege as incorporated into the PRA through Government Code section 7922.000, attorney-client privilege as codified in Evidence Code section 954, and Code of Civil Procedure section 2018.030 (attorney work product). A true and correct copy of Respondent’s March 15, 2024, Letter is attached as **Exhibit 4** hereto.

DECEMBER 26, 2023 REQUEST AND RESPONSE

7. On December 26, 2023, Petitioner submitted a CPRA request to OAG seeking correspondence of one DOJ official that was to or from or included the email domain of one or more of five pressure groups or another institution over a specified period of time in 2023. A true and correct copy of the December 26, 2023, request is attached as **Exhibit 5** hereto.

8. On January 19, 2024, after assigning this request number 2023-03124 and taking an extension of time to respond, Respondent wrote to Petitioner asserting that some unstated number of records were being withheld in full as exempt under the attorney-client privilege and/or the attorney work product doctrine, and/or because they fall within the scope of the common interest doctrine. A true and correct copy of the January 19, 2024, Letter is attached as **Exhibit 6** hereto.

9. On February 9, 2024, released some records and wrote Petitioner (“Respondent’s February 9, 2024, Letter”) stating that that some number of further responsive records had been identified and were being withheld as exempt under the deliberative process privilege. A true and correct copy of the February 9, 2024, Letter is attached as **Exhibit 7** hereto.

DECEMBER 29, 2023 REQUEST AND RESPONSE

10. On December 29, 2023, Petitioner submitted a CPRA request to OAG seeking correspondence of one DOJ official, dated at any time over a four-day period in 2023, which correspondence was to or from or used the name of one pressure group known to serve as ghost-writer for governmental “climate” plaintiffs and otherwise lobby for the filing of governmental

1 “climate” litigation (@climateintegrity.org”), and any containing a link to a webinar in which
2 Respondent and that group participated. A true and correct copy of the December 29, 2023, Request
3 is attached as **Exhibit 8** hereto.

4 11. On January 8, 2024, Respondent denied in full this request which it assigned the
5 number 2023-03158, claiming any responsive records not already produced to Petitioner were being
6 withheld as exempt under the attorney work product doctrine and/or attorney-client privilege, as
7 falling within the common interest doctrine, and/or as pertaining to pending litigation. A true and
8 correct copy of the January 8, 2024, Letter is attached as **Exhibit 9** hereto.

9
10 **JANUARY 3, 2024 REQUEST AND RESPONSE**

11 12. On January 3, 2024, Petitioner submitted a CPRA request to OAG seeking
12 correspondence of one DOJ official that was to or from or included the email domain of one or more
13 of nine pressure groups over a specified period of time in 2023. A true and correct copy of the
14 January 3, 2024, Request is attached as **Exhibit 10** hereto.

15 13. On January 16, 2024, Respondent denied in full this request which it assigned the
16 number 2024-00027, suggesting that the only records responsive to the request included those to or
17 from or using one of the nine email domains, which belongs to a(nother) pressure group known to
18 lobby for “climate” litigation (“@biologicaldiversity.org”), and stating that they were being withheld
19 as exempt under the attorney work product doctrine and pertain to litigation. A true and correct copy
20 of the January 16, 2024, Letter is attached as **Exhibit 11** hereto.

21
22 **APRIL 12, 2024 REQUESTS AND RESPONSES**

23 14. On April 12, 2024, Petitioner submitted two CPRA requests to OAG.

24 15. The first request sought correspondence of four OAG officials with a specified email
25 domain over three short periods of time totaling four months and five days. A true and correct copy
26 of this April 12, 2024, Request is attached as **Exhibit 12** hereto.

27 16. On April 22, 2014, Respondent assigned this request number PRA 2024-01044.
28

17. After Respondent delayed processing until May 6, 2024, and then until May 20, 2024, on May 20, 2024, Respondent produced eight email records and withheld some unstated number of “additional records that are exempt from disclosure under the PRA... under the attorney work product doctrine... Additionally, some of the records are exempt from disclosure under the deliberative process privilege”. A true and correct copy of this May 20, 2024, final response letter is attached as **Exhibit 13** hereto.

18. The second request sought calendars of one OAG official over three short periods of time totaling four months and five days. A true and correct copy of this April 12, 2024, Request is attached as **Exhibit 14** hereto.

19. On April 22, 2024, Respondent assigned this request number PRA 2024-01048.

20. After Respondent delayed processing until May 6, 2024, and then until May 20, 2024, on May 24, 2024, Respondent produced six heavily redacted pages of calendar entries for one month. Its cover letter stated, in pertinent part, “The Department has completed review of one record that appears to be responsive to your request... The Department is continuing its review of additional records. We anticipate making a second production of additional responsive, non-exempt records on or around June 10, 2024.” A true and correct copy of this May 24, 2024, letter is attached as **Exhibit 15** hereto.

21. As of this writing Plaintiff has received no further such records.

PARTIES

22. Petitioner Government Accountability & Oversight is a nonprofit organization incorporated in Wyoming and dedicated to transparency and open government. GAO uses state and federal open records laws to shed light on—and thereby educate the public on—private influences on government policymaking and the use of public institutions. Part of GAO’s effort has been the record requests at issue in this matter and similar requests of state attorneys general offices nationwide, publishing records that document a larger collaboration between law enforcement, donors, universities, and pressure groups.

23. Respondent OAG/DOJ is, and at all times mentioned herein was, an agency of the California state government that maintains an office in this county. Petitioner is informed and

1 believes that Respondent OAG/DOJ are responsible for maintaining the agency records described
2 herein and that Respondent has the authority to release the records.

3 **JURISDICTION AND VENUE**

4 24. This Court has jurisdiction pursuant to Government Code sections 7923.000, Code of
5 Civil Procedure sections 1060 and 1085, and Article VI, section 10 of the California Constitution.

6 25. Venue is proper in this Court because the records in question, or some portion of
7 them, are located in the County of Sacramento. The *de facto* custodian of the records resides in, and
8 Petitioner believes the records are physically located in, the County of Sacramento.

9 **APPLICABLE LAW**

10 26. The CPRA declares that “access to information concerning the conduct of the
11 people’s business is a fundamental and necessary right of every person in this state.” Government
12 Code section 7921.000. The CPRA’s emphasis on open government is enshrined in the California
13 Constitution, which provides: “The people have the right of access to information concerning the
14 conduct of the people’s business, and, therefore, . . . the writings of public officials and agencies
15 shall be open to public scrutiny.” Cal. Const., art. I, § 3(b)(1). As the California Supreme Court has
16 explained, “[p]ublic access laws serve a crucial function. Openness in government is essential to the
17 functioning of a democracy. ‘Implicit in the democratic process is the notion that government
18 should be accountable for its actions. In order to verify accountability, individuals must have access
19 to government files. Such access permits checks against the arbitrary exercise of official power and
20 secrecy in the political process.’” (*City of San Jose v. Super. Ct.* (2017) 2 Cal.5th 608, 615 (quoting
21 *Int’l Fed’n of Prof’l and Techn. Eng’rs v. Super. Ct.* (2007) 42 Cal.4th 319, 328–29).)

22 27. The “CPRA establishes a basic rule requiring disclosure of public records upon
23 request. In general, it creates ‘a presumptive right of access to any record created or maintained by a
24 public agency that relates in any way to the business of the public agency.’” (*City of San Jose*,
25 *supra*, 2 Cal.5th at 616 (citation omitted).)

26 28. Government Code section 7922.530 requires Respondent to “make the records
27 promptly available...” The CPRA establishes an expedited procedure for judicial review of a public
28 agency’s failure to comply with its obligation to disclosure public records. (Gov. Code §§ 7923.005

(providing that that “the court shall set the times for hearings and responsive pleadings with the object of securing a decision as to the matters at issue at the earliest possible time.”; Gov. Code, §; 7923.105(a) (providing for in-camera review of withheld public records). And “[i]f the court finds that the public official’s decision to refuse disclosure is not justified . . . the court shall order the public official to make the record public.” (Gov. Code § 7923.100(a).)

FIRST CLAIM FOR RELIEF

(For Violation of the CPRA and Cal. Const., art. I, § 3(b)(1))

29. Petitioner incorporates here by reference paragraphs 1 through 26, *supra*, as if fully set forth herein.

30. All requested records at issue here pertain to the participation by Respondent in a nationwide involvement by state law enforcement and otherwise deployment of public resources toward a private litigation and activist agenda. That litigation and policy agenda is in the name of “climate change,” which is the basis for proposals to urgently redesign our economic and political/policymaking system¹.

31. With respect to the withholding in full of records responsive to the requests cited, above, Respondent has violated and continues to violate the CPRA by withholding records in full, without redaction, and without justified the claims of privilege.

32. With respect to the withholding in full of records responsive to the requests cited, above, Petitioner seeks a writ of mandate directing OAG and/or their *de facto* custodian of records for the Respondent (“OAG”) to provide true, correct and complete copies of all of the documents requested to Petitioner within fifteen days of the entry of the judgment on this Petition with the exception only of those portions, if there be any, of these Requested Records which this Court determines (i) are exempted by law or (ii) cannot reasonably be segregated by deletion from those portions that are exempted by law.

33. Petitioner has no adequate remedies at law in that the records are unique and monetary damages will not compensate Petitioner for denial of access to the information which

¹ 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>.

Petitioner is seeking. Moreover, Government Code section 7923.000 expressly provides for the declaratory and injunctive relief sought by Petitioner.

34. Government Code section 7923.115 provides for recovery of costs and reasonable attorneys' fees in the event Petitioner prevails in its claims asserted herein.

PRAYER FOR RELIEF

Wherefore, Petitioner prays for the following relief:

1. That the Court issue a peremptory writ of mandate declaring that, with respect to the above-cited requests, Respondent's failure to produce complete copies of the unstated number of records withheld in full, without sufficient identification of the responsive records and justification of their withholding, in full, is not justified by Government Code section 923.110(a);

2. That peremptory writ of mandate issued by the Court further direct the OAG and/or their *de facto* custodian of records for OAG to provide true, correct and complete copies of all of the documents requested in the CPRA Requests to Petitioner within fifteen days of the entry of the judgment on this Petition with the exception only of (i) those of the Requested Records true, correct and complete copies of which were already provided by Respondent to Petitioner prior to the entry of the judgment on this Petition and (ii) those or those portions of the Requested Records which this Court has determined are properly subject to an exemption under the CPRA:

3. That Petitioner be awarded its reasonable attorneys' fees and costs under Government Code section 7923.115(a) and any other applicable law; and

4. All further relief to which Petitioner which this court may deem just and proper.

Dated: July 2, 2024

CLARK HILL LLP

By:



Timothy M. Flaherty
David M. Perl

Attorneys for Petitioner Government Accountability
& Oversight

VERIFICATION

I, Matthew Hardin, am a Member of the Board of Directors of the Petitioner Government Accountability & Oversight (“GAO”) and am authorized to make this verification on its behalf. I have personal knowledge of the facts alleged in the foregoing Petition as they concern GAO, and if called upon to testify I would competently testify as to the matters stated herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Meade County, Kentucky on June 19, 2024.



Matthew D. Hardin

EXHIBIT 1

CALIFORNIA PUBLIC RECORDS REQUEST

December 8, 2023

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain Correspondence

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all correspondence, and any accompanying information¹, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) **Nick Campins** (Deputy Attorney General, Bureau of Environmental Justice), ii) **Heather Lewis** (Deputy Attorney General, Environment Section), and/or iii) **Hon. Steven S. Cliff** (Executive Officer), that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, i) **@sunflower-alliance.org**, ii) **@climateintegrity.org**, iii) **@corporateaccountability.org**, iv) **@seachange.org**, and/or v)

¹ See discussion of SEC Data Delivery Standards, *infra*.

@theclimateregistry.org, and is c) dated from March 1, 2023 through December 8, 2023, inclusive.

The preceding search terms are not case sensitive.

We request entire threads of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter. **To further narrow this request, please consider as non-responsive any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source. Please also exclude as non-responsive any attachments that are draft rules or comments, and any docketed materials, though continue to treat the parent emails as responsive.**

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We request entire “threads” of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the

searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address.

Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
1309 Coffeen Avenue
Suite 3556
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 2

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1008
Facsimile: (510) 622-2207
E-Mail: Heather.Lewis@doj.ca.gov

Sent via E-mail

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

December 18, 2023

RE: Request No. 2023-03008

Dear Mr. Thomas:

This letter is in response to your correspondence dated December 8, 2023, which was received by the Attorney General's Office on December 8, 2023, in which you requested various records pursuant to the Public Records Act, Government Code section 6250 et seq.

Specifically, you requested:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Nick Campins (Deputy Attorney General, Bureau of Environmental Justice), ii) Heather Lewis (Deputy Attorney General, Environment Section), and/or iii) Hon. Steven S. Cliff (Executive Officer), that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, i) @sunflower-alliance.org, ii) @climateintegrity.org, iii) corporateaccountability.org, iv) @seachange.org, and/or v) @theclimateregistry.org, and is c) dated from March 1, 2023 through December 8, 2023, inclusive.

We note that your public records request is directed to the Department of Justice (Department) but seeks records from other departments. Absent a request for representation by another agency, the Department will respond solely on its own behalf, and not on behalf of other departments. If you wish to review records that are in the custody or control of another state or local agency, you should direct your request to that agency.

Some of the records that you are seeking are exempt from disclosure pursuant to the attorney-client privilege. Government Code section 7927.705 incorporates confidentiality privileges set forth elsewhere in law. The attorney-client privilege is codified in Evidence Code section 954 and protects confidential communications between the attorney and the client. In the

December 18, 2023

Page 2

case of *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, the Supreme Court held that Government Code section 7927.705 expressly exempts from disclosure matters privileged under the Evidence Code, which includes the attorney-client privilege.

In the present case, the attorneys in the Department provide legal advice to the Attorney General and his designees. Accordingly, all communications between the Attorney General or his designees and the Department's attorneys concerning ongoing litigation are exempt from disclosure pursuant to the attorney-client privilege, and are exempt from disclosure under the Public Records Act.

Code of Civil Procedure section 2018.030 exempts from disclosure the work product of an attorney. The attorney work product exception exempts from disclosure any writing that reflects an attorney's impressions, conclusions, opinions, legal research or legal theories that are maintained as confidential. It also is incorporated into the Public Records Act by Government Code section 7927.705. (*County of Los Angeles v. Superior Court* (2000) 82 Cal.App.4th 819, 833.)

Under the attorney work-product exception, records such as confidential analyses, draft language and memoranda prepared by the attorneys employed by the Department would be subject to this exception, and are exempt from disclosure under the Public Records Act.

Records responsive to your request have been sent under separate cover, via email, via the FileXchange file sharing system.

Sincerely,



HEATHER M. LEWIS
Deputy Attorney General

For ROB BONTA
 Attorney General

EXHIBIT 3

CALIFORNIA PUBLIC RECORDS REQUEST

December 20, 2023

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain Correspondence

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all correspondence, and any accompanying information¹, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) **Jessica Gordon**, and/or ii) **Heather Lewis** (Deputy Attorney General, Environment Section), that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, @**biologicaldiversity.org**, and is c) dated from March 1, 2023 through December 20, 2023, inclusive.

The preceding search terms are not case sensitive.

¹ See discussion of SEC Data Delivery Standards, *infra*.

We are aware that some records responsive to this request will have both Ms. Gordon and Ms. Lewis on them as parties. You need not produce duplicate copies of records. However, we do request entire threads of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter. **To further narrow this request, please consider as non-responsive any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source. Please also exclude as non-responsive any attachments that are draft rules or comments, and any docketed materials, though continue to treat the parent emails as responsive.**

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We request entire “threads” of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated

costs. As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets such as the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address. Thank you for your prompt consideration.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
1309 Coffeen Avenue
Suite 3556
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 4

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Facsimile: (510) 622-2207
E-Mail: Erin.Ganahl@doj.ca.gov

March 15, 2024

Via E-mail only

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
joe@govoversight.org

RE: Request No. 2023-03086

Dear Mr. Thomas:

This letter is in further response to your recent correspondence dated December 20, 2023, which was received by the California Department of Justice (Department) on December 20, 2023, in which you sought records pursuant to the California Public Records Act (PRA), as set forth in Government Code section 7921.000 et seq.

Specifically, you requested that we provide the following:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Jessica Gordon, and/or ii) Heather Lewis (Deputy Attorney General, Environment Section), that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, @biologicaldiversity.org, and is c) dated from March 1, 2023 through December 20, 2023, inclusive.

You also requested that the Department treat as non-responsive “any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source[.]” and “any attachments that are draft rules or comments, and any docketed materials[.]”

On January 2, 2024, the Department informed you that additional time was needed to search for potentially responsive records. On January 16, 2024, the Department informed you that you had already been provided with documents that appear to be responsive to your request in response to PRA Request Number 2023-03008, and that it would provide additional responsive, non-exempt documents on or around February 6, 2024. The Department then, on February 6, 2024, produced to you 27 responsive, non-exempt records. The Department

informed you at that point that it was continuing to gather and review additional records that are potentially responsive to your request, and anticipated making a second production of responsive, non-exempt records on or around February 27, 2024. On March 5, 2024, in response to your inquiry regarding the status of the response, the Department informed you that it anticipated providing a further response and a second production of documents during the week of March 11, 2024.

Some of the records that you are seeking are exempt from disclosure because they are protected under the attorney-client privilege or the work product doctrine. The PRA incorporates confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954, and the work product doctrine set out at Code of Civil Procedure section 2018.030. (Gov. Code § 7927.705; *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.) The attorney-client privilege, which protects communications between attorney and client, also applies to internal communications prepared by Department attorneys for the purpose of advising the Attorney General or his designees regarding litigation. (Evid. Code, § 954; *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1186.) Similarly, the work product doctrine, which protects against disclosure of an attorney's "impressions, conclusions, opinions, or legal research or theories," applies to internal memoranda, drafts, notes, and other records prepared in the course of litigation. (Code Civ. Proc., § 2018.030.) Records subject to attorney-client privilege and/or attorney work product protection will not be provided.

In addition, some of the records you are seeking are exempt from disclosure because they fall within the scope of the deliberative process privilege. (*Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325, 1340 [explaining that the privilege is incorporated into the PRA through Gov. Code, § 7922.000].) The deliberative process privilege exempts from disclosure materials that would expose the Department's decision-making process in such a way as to discourage candid discussion and thereby undermine the Department's ability to perform its functions. (*American Civil Liberties Union of Northern Cal. v. Super. Ct.* (2011) 202 Cal.App.4th 55, 75 [explaining that the privilege reaches records revealing "mental processes by which a given decision was reached, and the substance of conversations, discussions, debates, deliberations, and like materials reflecting advice, opinions, and recommendations by which government policy is processed and formulated"].) Some of the records you are seeking are also exempt from disclosure because they relate to the Attorney General's security. (Gov. Code, § 7922.000; *Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325, 1346-47.) Such records will not be provided.

A second production of seven responsive, non-exempt records responsive to your request has been sent under separate cover, via email, via the FileXchange file sharing system. We redacted portions of the records that are exempt from disclosure, as explained above, as well as personally identifying information, such as non-commercial telephone numbers, based on considerations of personal privacy. (Cal. Const., art. I, §1, as incorporated into the PRA by Gov. Code, § 7927.705; Gov. Code, § 7922.000.) This completes our response to your request number 2023-03086.

Joe Thomas
March 15, 2024
Page 3

Sincerely,

/s/ Erin Ganahl

ERIN GANAHL Deputy Attorney
General

For ROB BONTA
Attorney General

EXHIBIT 5

CALIFORNIA PUBLIC RECORDS REQUEST

December 26, 2023

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all correspondence, and any accompanying information¹, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) **Jessica Gordon**, that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, i) **@democracyforward.org**, ii) **@apen4ej.org**, iii) **@cbecal.org**, iv) **@law.harvard.edu**, v) **@catf.us**, and/or vi) **@caleja.org**, and is c) dated from **March 1, 2023 through December 26, 2023**, inclusive.

The preceding search terms are not case sensitive.

We request entire threads of which any responsive correspondence is a part, regardless

¹ See discussion of SEC Data Delivery Standards, *infra*.

of whether any portion falls outside of the above time parameter. **To further narrow this request, please consider as non-responsive any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source. Please also exclude as non-responsive any attachments that are draft rules or comments, and any docketed materials, though continue to treat the parent emails as responsive.**

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We request entire “threads” of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and

relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address.

Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
1309 Coffeen Avenue
Suite 3556
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 6

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1008
Facsimile: (510) 622-2207
E-Mail: Heather.Lewis@doj.ca.gov

January 19, 2024

Via E-mail only

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

RE: Request No. 2023-03124

Dear Mr. Thomas:

This letter is in response to your recent correspondence dated December 26, 2023, which was received by the Attorney General's Office on December 26, 2023, in which you sought records pursuant to the Public Records Act (PRA), as set forth in Government Code section 7921.000 et seq.

Specifically, you requested that we provide the following:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Jessica Gordon, that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, i) @democracyforward.org, ii) @apen4ej.org, iii) @cbecal.org, iv) @law.harvard.edu, v) @catf.us, and/or vi) @caleja.org, and is c) dated from March 1, 2023 through December 26, 2023, inclusive.

On January 5, 2024, the Department informed you that additional time was needed to search for potentially responsive records.

Some of the records that you are seeking are exempt from disclosure because they are protected under the attorney-client privilege or the work product doctrine. The PRA incorporates confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954, and the work product doctrine set out at Code of Civil Procedure section 2018.030. (Gov. Code § 7927.705; *Roberts v. City of Palmdale* (1993) 5

Cal.4th 363.) The attorney-client privilege, which protects communications between attorney and client, also applies to internal communications prepared by Department attorneys for the purpose of advising the Attorney General or his designees regarding litigation. (Evid. Code, § 954; *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1186.) Similarly, the work product doctrine, which protects against disclosure of an attorney's "impressions, conclusions, opinions, or legal research or theories," applies to internal memoranda, drafts, notes, and other records prepared in the course of litigation. (Code Civ. Proc., § 2018.030.) In some instances, confidential materials were exchanged with one or more third parties in furtherance of common legal interests and fall within the scope of the common interest doctrine, which preserves the confidentiality of protected materials that are shared among parties whose interests are aligned on a particular matter. (*Seahaus La Jolla Owners Assn. v. Super. Ct.* (2014) 224 Cal.App.4th 754, 774.) Attorney-client privileged, work product, and common interest records will not be provided.

The Department is continuing to gather and review additional records that are potentially responsive to your request. We anticipate making an initial production of responsive, non-exempt records on or around February 9, 2024. If we apply any redactions to those records, we will identify the ground(s) for those redactions in correspondence accompanying our production.

Sincerely,

/s/ Heather M. Lewis

HEATHER M. LEWIS
Deputy Attorney General

For ROB BONTA
Attorney General

EXHIBIT 7



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1008
Facsimile: (510) 622-2207
E-Mail: Erin.Ganahl@doj.ca.gov

February 9, 2024

Via E-mail only

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

RE: Request No. 2023-03124

Dear Mr. Thomas:

This letter is in further response to your recent correspondence dated December 26, 2023, which was received by the California Department of Justice (Department) on December 26, 2023, in which you sought records pursuant to the California Public Records Act (PRA), as set forth in Government Code section 7921.000 et seq.¹

Specifically, you requested that we provide the following:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Jessica Gordon, that b) includes anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, i) @democracyforward.org, ii) @apen4ej.org, iii) @cbecal.org, iv) @law.harvard.edu, v) @catf.us, and/or vi) @caleja.org, and is c) dated from March 1, 2023 through December 26, 2023, inclusive.

On January 5, 2024, the Department informed you that additional time was needed to search for potentially responsive records. On January 19, 2024, the Department informed you that some of the records you are seeking are exempt from disclosure because they are protected by the attorney-client privilege and/or the attorney work product doctrine, and/or because they fall within the scope of the common interest doctrine. The Department also explained that it was

¹ This request, which the Department has designated as PRA No. 2023-03124, is one of five substantially similar requests that the Department has received from you in recent months. The Department has separately responded to each of the other four requests.

Joe Thomas
February 9, 2024
Page 2

continuing to review additional records and anticipated providing responsive, non-exempt records to you on or around February 9, 2024.

Since our prior correspondence, the Department identified additional responsive records that are exempt from disclosure because they fall within the scope of the deliberative process privilege. (*Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325, 1340 [explaining that the privilege is incorporated into the PRA through Gov. Code, § 7922.000].) The deliberative process privilege exempts from disclosure materials that would expose the Department's decision-making process in such a way as to discourage candid discussion and thereby undermine the Department's ability to perform its functions. (*American Civil Liberties Union of Northern Cal. v. Super. Ct.* (2011) 202 Cal.App.4th 55, 75 [explaining that the privilege reaches records revealing "mental processes by which a given decision was reached, and the substance of conversations, discussions, debates, deliberations, and like materials reflecting advice, opinions, and recommendations by which government policy is processed and formulated"].)

A production of 28 responsive, non-exempt records has been sent to you under separate cover, via email, via the FileXchange file sharing system. We selectively redacted personally identifying information, such as non-commercial telephone numbers, based on considerations of personal privacy. (Cal. Const., art. I, § 1, as incorporated into the PRA by Gov. Code, § 7927.705; Gov. Code, § 7922.000.) We also redacted a non-public videoconferencing link and associated password information. (Gov. Code, § 7922.000.)

This completes the Department's response to your request.

Sincerely,

/s/ Erin Ganahl

ERIN GANAHL
Deputy Attorney General

For ROB BONTA
Attorney General

EXHIBIT 8

CALIFORNIA PUBLIC RECORDS REQUEST

December 29, 2023

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain Correspondence

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all correspondence, and any accompanying information¹, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) **Heather Lewis** (Deputy Attorney General, Environment Section), that b) includes anywhere, i) “Center for Climate Integrity”, and/or ii) the following link, https://climateintegrity-org.zoom.us/webinar/register/WN_eNlpQsDiRYigqjkaF8-oow#/registration, and is c) dated from **October 17, 2023 through October 20, 2023**, inclusive.

¹ See discussion of SEC Data Delivery Standards, *infra*.

The preceding search terms are not case sensitive.

We do request entire threads of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter. **To further narrow this request, please consider as non-responsive any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source. Please also exclude as non-responsive any attachments that are draft rules or comments, and any docketed materials, though continue to treat the parent emails as responsive.**

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We request entire “threads” of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs. As noted earlier in this request, GAO is a non-profit public policy organization dedicated

to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets such as the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address. Thank you for your prompt consideration.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
1309 Coffeen Avenue
Suite 3556
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 9

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1008
Facsimile: (510) 622-2207
E-Mail: Heather.Lewis@doj.ca.gov

January 8, 2024

Via E-mail only

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

RE: Request No. 2023-03158

Dear Mr. Thomas:

This letter is in response to your correspondence dated December 29, 2023, which was received by the California Department of Justice (Department) on December 29, 2023, in which you requested various records pursuant to the California Public Records Act (Gov. Code, § 7921.000 et seq.) (PRA).

Specifically, you requested:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Heather Lewis (Deputy Attorney General, Environment Section), that b) includes anywhere, i) "Center for Climate Integrity", and/or ii) the following link, https://climateintegrity-org.zoom.us/webinar/register/WN_eNlpQsDiRYigqjkaF8-oow#/registration, and is c) dated from October 17, 2023 through October 20, 2023, inclusive.

Some of the records that you are seeking are exempt from disclosure because they are protected under the attorney-client privilege or the work product doctrine. The PRA incorporates confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954, and the work product doctrine set out at Code of Civil Procedure section 2018.030. (Gov. Code § 7927.705; *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.) The attorney-client privilege, which protects communications between attorney and client, also applies to internal communications prepared by Department attorneys for the purpose of advising the Attorney General or his designees regarding litigation. (Evid. Code, § 954; *Ardon*

v. City of Los Angeles (2016) 62 Cal.4th 1176, 1186.) Similarly, the work product doctrine, which protects against disclosure of an attorney's "impressions, conclusions, opinions, or legal research or theories," applies to internal memoranda, drafts, notes, and other records prepared in the course of litigation. (Code Civ. Proc., § 2018.030.) In some instances, confidential materials were exchanged with one or more third parties in furtherance of common legal interests and fall within the scope of the common interest doctrine, which preserves the confidentiality of protected materials that are shared among parties whose interests are aligned on a particular matter. (*Seahaus La Jolla Owners Assn. v. Super. Ct.* (2014) 224 Cal.App.4th 754, 774.) Attorney-client privileged, work product, and common interest records will not be provided.

Some of the records are also exempt from disclosure under the PRA because they pertain to pending litigation. The PRA authorizes the Department to withhold records "pertaining to pending litigation" "until the litigation has been finally adjudicated or otherwise settled." (Gov. Code, § 7927.200, subd. (a).) The pending litigation exemption does not duplicate the attorney work product exemption but is broader and covers documents prepared by the agency in anticipation of or for use in litigation. (*County of Los Angeles v. Super. Ct.* (2000) 82 Cal.App.4th 819, 831; *Fairley v. Super. Ct.* (1998) 66 Cal.App.4th 1414, 1422.)

The Department also identified records that appear to be responsive to your request and are not exempt from disclosure under the PRA. The Department already provided copies of those records to you on December 18, 2023 in response to PRA Request Number 2023-03008, which requested, among other items, correspondence sent to or from or copying Heather Lewis that included "@climateintegrity.org." If you wish to receive additional copies of those same records, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H. Lewis', is positioned above the printed name.

HEATHER M. LEWIS
Deputy Attorney General

For ROB BONTA
 Attorney General

EXHIBIT 10

CALIFORNIA PUBLIC RECORDS REQUEST

January 3, 2024

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain described correspondence

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all correspondence, and any accompanying information¹, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) **Sonia F. Ramos** that b) includes *anywhere*, in any field or the body of an email/email 'thread', i) **@sunflower-alliance.org**, ii) **@climateintegrity.org** iii) **@corporateaccountability.org**, iv) **@apen4ej.org**, v) **@cbecal.org**, vi) **@catf.us**, vii) **@biologicaldiversity.org**, viii) **@caleja.org** and/or ix) **@democracyforward.org**,² and is c) dated from **March 1, 2023 through December 31, 2023**, inclusive.

¹ See discussion of SEC Data Delivery Standards, *infra*.

² You may exclude all info@ addresses, e.g., info@climateintegrity.org, as non-responsive.

The preceding search terms are not case sensitive.

We do request entire threads of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter. **To further narrow this request, in addition to excluding any records otherwise responsive solely due to an “info@” address (see FN 2, *supra*), please consider as non-responsive any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source. Please also exclude as non-responsive any attachments that are draft rules or comments, and any docketed materials, though continue to treat the parent emails as responsive.**

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We request entire “threads” of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated

costs. As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets such as the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address. Thank you for your prompt consideration.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
1309 Coffeen Avenue
Suite 3556
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 11

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1008
Facsimile: (510) 622-2207
E-Mail: Heather.Lewis@doj.ca.gov

January 16, 2024

Via E-mail only

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

RE: Request No. 2024-00027

Dear Mr. Thomas:

This letter is in response to your correspondence dated January 3, 2024, which was received by the California Department of Justice (Department) on January 3, 2024, in which you requested records pursuant to the California Public Records Act (Gov. Code, § 7921.000 et seq.) (PRA).

Specifically, you requested:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Sonia F. Ramos that b) includes anywhere, in any field or the body of an email/email 'thread', i) @sunflower-alliance.org, ii) @climateintegrity.org iii) @corporateaccountability.org, iv) @open4ej.org, v) @cbecal.org, vi) @catf.us, vii) @biologicaldiversity.org, viii) @caleja.org and/or ix) @democracyforward.org, 2 and is c) dated from March 1, 2023 through December 31, 2023, inclusive.

You further indicated:

You may exclude all info@ addresses, e.g., info@climateintegrity.org, as non-responsive.

The Department completed a search and identified records that are arguably responsive to your request because they contain references to "@biologicaldiversity.org." Those records, however, are exempt from disclosure because they are protected under the work product doctrine. The PRA incorporates confidentiality privileges set forth elsewhere in law, including

Joe Thomas
January 16, 2024
Page 2

the work product doctrine set out at Code of Civil Procedure section 2018.030. (Gov. Code § 7927.705; *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.) The work product doctrine, which protects against disclosure of an attorney's "impressions, conclusions, opinions, or legal research or theories," applies to internal memoranda, drafts, notes, and other records prepared in the course of litigation. (Code Civ. Proc., § 2018.030.) In this case, the records are internal records exchanged among Department attorneys and/or legal staff and pertain to litigation. Records consisting of work product will not be produced.

This completes the Department's response to your request.

Sincerely,

/s/ Heather M. Lewis

HEATHER M. LEWIS
Deputy Attorney General

For ROB BONTA
Attorney General

EXHIBIT 12

CALIFORNIA PUBLIC RECORDS REQUEST

April 12, 2024

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain Correspondence — correspondence with @bos.cccounty.us

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all correspondence, and any accompanying information¹, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) **Jessica Gordon**, ii) **Heather Lewis**, iii) **Lara Maxey and/or** iv) **Ed Ochoa**, that b) includes *anywhere*, in any field or the body of an email/email 'thread', @bos.cccounty.us and is c) dated from i) **March 10, 2023 through April 10, 2023**, inclusive, ii) the week of **July 3-7, 2023**, and/or dated from iii) **September 17, 2023 through December 17, 2023**, inclusive.

The preceding search terms are not case sensitive.

¹ See discussion of SEC Data Delivery Standards, *infra*.

You need not produced duplicates of any responsive record, i.e., may treat duplicates as non-responsive.

We request entire threads of which any responsive correspondence is a part, regardless of whether any portion falls outside of the above time parameter. **To further narrow this request, please consider as non-responsive any electronic correspondence that merely receives newsletters or press summaries or ‘clippings’, such as news services, stories or opinion pieces, from the original source. Please also exclude as non-responsive any attachments that are draft rules or comments, and any docketed materials, though continue to treat the parent emails as responsive.**

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs. As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and

relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets such as the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address. Thank you for your prompt consideration.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
30 N. Gould Street, #12848
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 13



Rob Bonta
Attorney General

1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-1300
Telephone: (510) 879-1981
Facsimile: (510) 622-2270
E-Mail: brian.calavan@doj.ca.gov

May 20, 2024

Sent via E-mail only

Joe Thomas
Government Accountability & Oversight
1309 Coffeen Avenue, Suite 3556
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

RE: Public Records Act Request No. 2024-01044

Dear Mr. Thomas:

This letter is in further response to your recent correspondence dated April 12, 2024, which was received by the California Department of Justice (Department) on April 12, 2024, in which you sought records pursuant to the Public Records Act, as set forth in Government Code section 7921.000 et seq.

Specifically, you requested that we provide the following:

Copies of all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i) Jessica Gordon, ii) Heather Lewis, iii) Lara Maxey and/or iv) Ed Ochoa, that b) includes anywhere, in any field or the body of an email/email 'thread', @bos.cccounty.us and is c) dated from i) March 10, 2023 through April 10, 2023, inclusive, ii) the week of July 3-7, 2023, and/or dated from iii) September 17, 2023 through December 17, 2023, inclusive.

On April 22, 2024, the Department notified you that it needed to extend its response time to May 6, 2024. On May 6, 2024, the Department informed you that it had identified records potentially responsive to your request and that the Department needed additional time to review those records for responsiveness and to determine whether any of the records may be exempt from disclosure under the PRA. In the same correspondence, the Department stated that it would complete its review and provide further response on or about May 20, 2024.

The Department has completed its review of the records referenced above and has identified eight records that appear to be responsive to your request. Copies of those records are

May 20, 2024
Joe Thomas
Page 2

attached to the email transmitting this letter. The Department has redacted personally identifying information, such as non-commercial telephone numbers, based on considerations of personal privacy, as well as nonpublic videoconferencing links and passwords. (Cal. Const., art. I, § 1, as incorporated into the PRA by Gov. Code, § 7927.705; Gov. Code, § 7922.000.)

The Department also identified additional records that are exempt from disclosure under the PRA. Some of these records are exempt from disclosure under the attorney work product doctrine, which protects against disclosure of an attorney's impressions, conclusions, opinions, or legal research or theories relating to legal matters. (Gov. Code, § 7927.705; Code Civ. Proc., § 2018.030.) Additionally, some of the records are exempt from disclosure under the deliberative process privilege, which exempts from disclosure materials that would expose the Department's decision-making process in such a way as to discourage candid discussion and thereby undermine the Department's ability to perform its functions. (*American Civil Liberties Union of Northern Cal. v. Super. Ct.* (2011) 202 Cal.App.4th 55, 75; *Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325, 1346-47; Gov. Code § 7922.000.) Privileged and work product records will not be provided.

This letter completes the Department's response to Request Number 2024-01044.

Sincerely,

/s/ Brian Calavan
BRIAN CALAVAN
Deputy Attorney General

For ROB BONTA
 Attorney General

EXHIBIT 14

CALIFORNIA PUBLIC RECORDS REQUEST

April 12, 2024

Attorney General's Office
Public Records Coordinator
P.O. Box 944255-2550
Sacramento, CA

Via Email: publicrecords@doj.ca.gov

Re: Certain Correspondence — certain Gordon calendars/call logs

Dear Sir or Madam:

On behalf of Government Accountability & Oversight, a 501(c)(3) non-profit public policy institute with research, investigative journalism and publication functions, as part of a transparency initiative seeking public records relating to environmental and energy policy and related activities at various agencies at all levels of government, which includes an active campaign of broad dissemination of public information obtained under open records and freedom of information laws to the broader population, pursuant to the California Public Records Act §§ 6250 *et seq.*, please provide copies of all a) i) calendars, and ii) call logs kept for **Jessica Gordon**, which b) are for i) **March 10, 2023 through April 10, 2023**, inclusive, ii) the week of **July 3-7, 2023**, and/or dated from iii) **September 17, 2023 through December 17, 2023**, inclusive.

The preceding search terms are not case sensitive.

We request that the Office conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the Office assert in its response whether that response is based on a search conducted by the staff identified in the request, or by another party.

In the event that the Office's custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs. As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets such as the Washington Times and Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standard. The covered information we seek is electronic information, this includes electronic records, and other public information.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address. Thank you for your prompt consideration.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
30 N. Gould Street, #12848
Sheridan, WY 82801
(434) 882-4217

EXHIBIT 15



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

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P.O. BOX 70550
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Facsimile: (510) 622-2270
E-Mail: brian.calavan@doj.ca.gov

May 24, 2024

Via E-mail only

Joe Thomas
Government Accountability & Oversight
30 N. Gould Street, #12848
Sheridan, WY 82801
(434) 882-4217
joe@govoversight.org

RE: Public Records Act Request No. 2024-01048

Dear Mr. Thomas:

This letter is in further response to your recent correspondence dated April 12, 2024, which was received by the California Department of Justice (Department) on April 12, 2024, in which you sought records pursuant to the Public Records Act (PRA), as set forth in Government Code section 7921.000 et seq.

Specifically, you requested that we provide the following:

Copies of all a) i) calendars, and ii) call logs kept for Jessica Gordon, which b) are for i) March 10, 2023 through April 10, 2023, inclusive, ii) the week of July 3-7, 2023, and/or dated from iii) September 17, 2023 through December 17, 2023, inclusive.

On April 22, 2024, the Department notified you that it needed to extend its response time to May 6, 2024. On May 6, 2024, the Department informed you that it had identified records potentially responsive to your request and that the Department needed additional time to review the records for responsiveness and to determine whether any of the records may be exempt from disclosure under the PRA. In the same correspondence, the Department stated that a production of responsive, non-exempt records would be made on or around May 20, 2024.

The Department has completed review of one record that appears to be responsive to your request. A copy of this record is attached to the email transmitting this letter. The Department has redacted personally identifying information, based on considerations of personal privacy, as well as nonpublic teleconferencing phone numbers, videoconferencing links, and passwords. (Cal. Const., art. I, § 1, as incorporated into the PRA by Gov. Code, § 7927.705; Gov. Code, § 7922.000.) The Department has also redacted information under the attorney work product

Joe Thomas
May 24, 2024
Page 2

doctrine, which protects against disclosure of an attorney's impressions, conclusions, opinions, or legal research or theories relating to legal matters. (Gov. Code, § 7927.705; Code Civ. Proc., § 2018.030.) The Department has also redacted information under the deliberative process privilege, which exempts from disclosure materials that would expose the Department's decision-making process in such a way as to discourage candid discussion and thereby undermine the Department's ability to perform its functions. (*American Civil Liberties Union of Northern Cal. v. Super. Ct.* (2011) 202 Cal.App.4th 55, 75; *Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325, 1346-47; Gov. Code, § 7922.000.)

The Department is continuing its review of additional records. We anticipate making a second production of additional responsive, non-exempt records on or around June 10, 2024. If we apply any redactions to those records, we will identify the ground(s) for those redactions in correspondence accompanying our production.

Sincerely,

/s/ Brian Calavan
BRIAN CALAVAN
Deputy Attorney General

For ROB BONTA
 Attorney General