

MAINE JUDICIAL BRANCH

This summary sheet and the information it contains do not replace or supplement the filing and service of pleadings or other papers as required by the Maine Rules or by law. This form is required for the Clerk of Court to initiate or update the civil docket. The information on this summary sheet is subject to the requirements of M. R. Civ. P. 11.

I. COUNTY OF FILING OR DISTRICT COURT JURISDICTION (“X” the appropriate box and enter the County or location)

Superior Court County: Kennebec

District Court Location (city/town): _____

II. NATURE OF THE FILING

Initial Complaint

Third-Party Complaint

Cross-Claim or Counterclaim

Reinstated or Reopened case

Docket No.: _____

If filing a second or subsequent Money Judgment Disclosure, give the docket number of the first disclosure.)

III. REAL ESTATE OR TITLE TO REAL ESTATE IS INVOLVED

IV. MOST DEFINITIVE NATURE OF ACTION

(“X” in ONE box. If the case fits more than one nature of action, select the one that best describes the cause of action.)

GENERAL CIVIL

Constitutional/Civil Rights

Constitutional/Civil Rights

Contract

Debt Collection brought by a debt collector as defined by 32 M.R.S. § 11002 (*Contract Case Cover Sheet (CV-261) must be attached*)

Other Contract (*Contract Case Cover Sheet (CV-261) must be attached*)

Declaratory/Equitable Relief

Declaratory Judgment

General Injunctive Relief

Other Equitable Relief

Non-Personal Injury Torts

Auto Negligence

Libel/Defamation

Other Negligence

Other Non-Personal Injury Tort

Personal Injury Torts

Assault/Battery

Auto Negligence

Domestic Tort

Medical Malpractice

Other Negligence

Other Personal Injury Tort

Product Liability

Property Negligence

Statutory Actions

Freedom of Access

Other Statutory Action

Unfair Trade Practice

Miscellaneous Civil

Administrative Warrant

Appointment of Receiver

Arbitration Awards

Common Law Habeas Corpus

Drug Forfeiture

Foreign Deposition

Foreign Judgments

HIV Testing

Land Use Enforcement (80K)

Minor Settlements

Other Civil

Other Forfeiture/Property Libel

Pre-Action Discovery

Prisoners Transfers

Shareholders’ Derivative Action

APPEALS (ADR EXEMPT)

Administrative Agency (80C)

Governmental Body (80B)

Other Appeal

REAL ESTATE

Foreclosures

Foreclosure (ADR exempt)

Foreclosure (Diversion eligible)

Foreclosure (Other)

Title Actions

Boundary

Easement

Eminent Domain

Quiet Title

Miscellaneous Real Estate

Abandoned Road

Adverse Possession

Equitable Remedy

Mechanics Lien

Nuisance

Other Real Estate

Partition

Trespass

CHILD PROTECTIVE CUSTODY

Non-DHHS Protective Custody

SPECIAL ACTIONS

Money Judgment Disclosure

Initial Complaint: A complaint filed as an original proceeding. A filing fee is required.

Third-Party Complaint: An original defendant’s action against a third party that was not part of the original proceeding. A filing fee is required.

Cross-Claim: An original defendant’s claim against another original defendant. No additional fee is required.

Counterclaim: An original defendant’s claim against an opposing party. No additional fee is required.

Reinstated or Reopened Case: Money Judgment Disclosures or post-judgment motions.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

V. M.R. Civ. P. 16B ALTERNATIVE DISPUTE RESOLUTION (ADR)

[X] I certify that pursuant to M.R. Civ. P. 16B(b), this case is exempt from a required ADR process because ("X" one box below):

- [X] It falls within an exemption listed above (it is an appeal or an action for non-payment of a note in a secured transaction).
[] The plaintiff or defendant is incarcerated in a local, state, or federal facility.
[] The parties have participated in a statutory pre-litigation screening panel process with (name of panel chair) that concluded on (date of panel finding - mm/dd/yyyy)
[] The parties have participated in a formal ADR process with (name of neutral) on (date - mm/dd/yyyy)
[] The plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption.
[] The action does not include ADR pursuant to M.R. Civ. P. 16(a)(1).
[] There is other good cause for an exemption and the plaintiff has filed a motion for exemption.

VI. PARTY AND ATTORNEY CONTACT INFORMATION

If you need additional space, list additional parties on an attachment and note "see attachment" in the appropriate section.

Please note: If a party is a government agency, use the full agency name or the standard abbreviation. If the party is an official within a government agency, identify the agency first and then the official, giving both name and title.

(a) PLAINTIFF(S)

("X" the box below to indicate the party type associated with the filing)

- [X] Plaintiff(s)
[] Third-Party Plaintiff(s)
[] Counterclaim Plaintiff(s)
[] Cross-Claim Plaintiff(s)

Is the plaintiff a prisoner in a local, state, or federal facility? [] Yes [X] No

Name (first, middle initial, last): Government Accountability & Oversight
Mailing address (include county): 1309 Coffeen Ave 3556
Sheridan, WY (Sheridan County)
Telephone:
Email:

Name (first, middle initial, last):
Mailing address (include county):
Telephone:
Email:

(b) ATTORNEY(S) FOR PLAINTIFF(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL plaintiffs, specify which plaintiff(s) the listed attorney(s) represents.

Name and bar number: Patrick Stawbridge, No. 10024
Firm name: Consovoy McCarthy PLLC
Mailing Address: Ten Post Office Square
8th Floor South PMB #706
Telephone: 207-522-3163
Email: patrick@consovoymccarthy.com

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Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

(c) DEFENDANT(S)

("X" the box below to indicate the party type associated with the filing)

- Defendant(s)
- Third-Party Defendant(s)
- Counterclaim Defendant(s)
- Cross-Claim Defendant(s)

Is the defendant a prisoner in a local, state, or federal facility? Yes No

Name (first, middle initial, last): Office of the Attorney General
 Mailing address (include county): 6 State House Station
Augusta, ME 04333
 Telephone: (207) 626-8800
 Email: _____

Name (first, middle initial, last): _____
 Mailing address (include county): _____
 Telephone: _____
 Email: _____

(d) ATTORNEY(S) FOR DEFENDANT(S)

If there are multiple attorneys, indicate the lead attorney. *If all counsel do not represent ALL defendants, specify which defendant(s) the listed attorney(s) represents.*

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

(e) PARTIES IN INTEREST

Name (first, middle initial, last): _____

Mailing address (include county): _____

Telephone: _____

Email: _____

Name (first, middle initial, last): _____

Mailing address (include county): _____

Telephone: _____

Email: _____

(f) ATTORNEY(S)

If there are multiple attorneys, indicate the lead attorney. *If all counsel do not represent ALL parties in interest, specify which parties in interest the listed attorney(s) represents.*

Name and bar number: _____

Firm name: _____

Mailing Address: _____

Telephone: _____

Email: _____

Name and bar number: _____

Firm name: _____

Mailing Address: _____

Telephone: _____

Email: _____

VII. RELATED CASE(S) IF ANY

Case name: _____

Docket Number: _____

Assigned Judge/Justice: _____

Date (mm/dd/yyyy): _____



Signature of Plaintiff or Lead Attorney of Record

Patrick N. Strawbridge

Printed Name of Plaintiff or Attorney

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GOVERNMENT ACCOUNTABILITY
& OVERSIGHT,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL,

Defendant.

**COMPLAINT / APPEAL
OF DENIAL OF
PUBLIC RECORDS**

COMPLAINT AND APPEAL

Plaintiff, Government Accountability & Oversight, submits this complaint and appeal of the denial of its request under the Maine Freedom of Access Act, 1 M.R.S.A. §400 *et seq.*, against Defendant Maine Office of the Attorney General, and alleges as follows:

PRELIMINARY STATEMENT

1. This is a lawsuit seeking to enforce the right to inspect and copy government records pursuant to the Maine Freedom of Access Act (“FOAA”), 1 M.R.S.A. § 401 *et seq.* That act declares “that public proceedings exist to aid in the conduct of the people’s business,” that it is “the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly,” and that “[t]his subchapter shall be liberally construed and applied to promote its underlying purposes and policies” of open government. 1 M.R.S.A. §401.

2. Yet when the plaintiff submitted two routine FOAA requests seeking records concerning the agency’s procurement of outside counsel for a pending litigation, its fee arrangement with outside counsel in that litigation, and relevant communications between the agency and various nongovernmental interested parties in connection with the lawsuit, the agency withheld responsive records. The agency conceded that the records existed, but nonetheless denied the request, claiming

they were privileged, attorney work product, and not subject to disclosure under 1 M.R.S.A. §402(3)(B).

3. But these records are not privileged. The Maine Rules of Evidence state that “[t]he lawyer-client privilege does not apply to communications between a public officer or agency and its lawyers” unless a judge affirmatively determines the documents must be withheld. Me. R. Evid. 502. Moreover, Maine procurement laws expressly provide for public access to records related to the agency’s purchase of personal services—including legal services—and payment for those services. 5 M.R.S.A. §1816-A(4).

4. Nor did the agency’s perfunctory review and near-total denial comport with the FOAA’s requirements—Plaintiff’s second request was denied, categorically, just 13 working hours after it was submitted. By failing to conduct a thorough assessment and review of the responsive records before asserting blanket privilege claims, the agency acted in bad faith.

5. If allowed to stand, the agency’s denial threatens to unravel FOAA’s robust protections for open government. Unless the Court rejects the agency’s baseless privilege claims, the agency will be allowed to put any records regarding its procurement of legal services—and payment for those services—permanently out of the public’s reach. This would stymie even routine journalism and deal a grave blow to public transparency and accountability.

PARTIES

6. Plaintiff, Government Accountability and Oversight (“GAO”), is a not-for-profit organization incorporated in the State of Wyoming. A major component of GAO’s mission is to ensure federal, state, and local governments act transparently and are accountable to the public. As part of that mission, GAO regularly publishes reports on public affairs, relying on laws like the Freedom of Access Act to obtain public records that are of vital interest to the public.

7. Defendant, the Maine Office of the Attorney General, is a government entity

established under the laws of the State of Maine. The agency's principal place of business is 6 State House Station, Augusta, ME 04333.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 1 M.R.S.A. §409.

9. Venue is proper in this Court under 1 M.R.S.A. §409 because the agency's principal office is in Kennebec County, Maine.

FACTUAL ALLEGATIONS

10. Plaintiff is a not-for profit organization dedicated to informing the public of developments in the area of energy and environmental issues and the relationship between government entities and private players affecting those areas of law and policy.

11. Over the past several years, Plaintiff has pursued an ongoing journalistic investigation into a series of lawsuits filed by state attorneys general against energy producers. Through these efforts, Plaintiff has sought to understand the relationship between these lawsuits and specific nongovernmental interested parties, including the Center for Climate Integrity, a nonprofit involved in environmental advocacy, and several private law firms specializing in mass actions against energy companies.

12. Among Plaintiff's findings are that at least one of these law firms, Sher Edling, LLP—which the OAG has hired as outside counsel for its recent lawsuit against energy producers (*see infra*)—has been paid millions of dollars by outside foundations to file such lawsuits on behalf of governmental plaintiffs. Further, Plaintiff's research has uncovered examples of state attorneys general and other governmental offices entering into agreements with Sher Edling, LLP promising *additional contingency* fees in the tens to hundreds of millions of dollars taken out of alleged taxpayer damages, notwithstanding that the firm has already been compensated by outside sources to pursue these lawsuits. These payments raise serious questions regarding public officials' diligence in exercising their

fiduciary responsibilities.

13. As part of this ongoing investigation, on November 15, 2024, Plaintiff submitted a written request to the Office of the Attorney General (“OAG”) seeking any records evidencing a relationship between the agency and these nongovernmental parties.

14. Specifically, the request sought the following records:

[A]ll electronic correspondence (email, text messages (including SMS, MMS, DMs, WhatsApp, Signal, Telegram, Slack/Teams/Zoom messages and or Twitter or Facebook direct messages) and any accompanying information, including also any attachments, sent to or from or which copies (including cc: and bcc: i) Aaron Frey, ii) Christina Moylan, iii) Tom Knowlton, and/or iv) Scott Boak, which is dated at any time from June 1, 2024 through November 15, 2024, inclusive, that also includes, anywhere, whether in an email’s to/from/cc/bcc or Subject fields, or the body of an email or any attachment, i) Edling, ii) @climateintegrity.org, iii) Enck, iv) Shornstein, v) Zeballos, and/or vi) Johl.

A copy of this letter is attached hereto as Exhibit A.

15. On November 26, 2024, Attorney General Aaron Frey announced that the OAG had filed a civil lawsuit against several energy producers in state court. OAG, Press Release, Maine.gov (Nov. 26, 2024), <https://perma.cc/GVV8-AFMF>. Notably, Sher Edling LLP—one of the law firms identified in Plaintiff’s FOAA request—was listed as co-counsel for the State. *See* Notice of Removal, Ex. 2 at 203 (Dkt. No. 1-2), *State v. BP PLC, et al.*, 2:25-cv-00001 (D. Me. January 3, 2025).

16. Following the news of the OAG’s lawsuit—and still having heard nothing about its initial request—Plaintiff submitted a follow-up request on January 8, 2024, seeking the following records:

1. Any common interest agreement, contingency fee or other fee agreement, secondment agreement, and/or retainer agreement and/or engagement agreements, entered into by your Office in 2024 with a) Hausfeld LLP, b) Sher Edling LLP, and/or c) DiCello Levitt LLP,
2. Any paperwork completed by the Office in 2024 pursuant to Maine Rev. Stat., Title 5, Ch. 155, §1816 Personal Services Contracting, and/or otherwise to obtain approval for or to document and/or justify its retention of those three law firms which have filed that lawsuit.

A copy of this letter is attached as Exhibit B.

17. Through this new request, Plaintiff hoped to gain information about the fee arrangements between the OAG and the private law firms listed on the complaint, plus any paperwork documenting the OAG’s statutorily required competitive bidding process ahead of hiring these firms. *See* 5 M.R.S.A. §1816-A (governing government personal service contracts). In the request, Plaintiff also noted that the records were not likely to be exempt from production, citing Maine’s requirement that all records connected to a government personal services contract be treated as public records under the freedom of access laws. Ex. B at 1 n.1 (citing 5 M.R.S.A. §1816-A(4)).

18. Just two days later—and before responding to Plaintiff’s earlier request—the OAG denied Plaintiff’s January 8, 2025, request in full, citing the attorney-client privilege, the attorney work product doctrine, and 1 MRSA §402(3)(B). The OAG offered no other basis for withholding these records, nor any further description of the withheld records. The OAG informed Plaintiff that the denial “concluded [the OAG’s] response to your request.” A copy of the denial is attached as Exhibit C.

19. Later that same day, the OAG finally responded to Plaintiff’s initial November 15, 2024, request, producing just eight emails containing news clippings from a legal news website. The OAG otherwise denied the request, citing the same grounds it relied on in its prior denial. And again, the OAG informed Plaintiff that this partial denial “concluded [the OAG’s] response to your request.” A copy of this denial and response is attached as Exhibit D.

20. Pursuant to 1 M.R.S.A. § 409(1), Plaintiff has timely filed this appeal within 30 calendar days of receipt of the notices of denial.

COUNT
Violation of the Freedom of Access Act

21. Plaintiff hereby repeats and incorporates by reference paragraphs 1-20 of this Complaint.

22. FOAA allows any person to “request that [an] agency or official ... provide a copy”

of any “public record.” 1 M.R.S.A. §408-A(2). Compliance with FOAA is not optional: when a copy of public records is sought, “[t]he agency or official shall mail the copy upon request.” *Id.* §408-A(2)(B).

23. “The public policy guiding the interpretation of FOAA is the Legislature’s declaration that “public proceedings exist to aid in the conduct of the people's business.” *Citizens Commc’ns Co. v. Att’y Gen.*, 2007 ME 114, ¶ 9, 931 A.2d 503, 505 (Me. 2007). “To that end, the Legislature instructed that FOAA ‘shall be liberally construed and applied to promote its underlying purposes and policies.’” *Id.* The Maine Supreme Court has “further elaborated that ‘a corollary to such liberal construction of [FOAA] is necessarily a strict construction of any exceptions to the required public disclosure.’” *Id.* 506 (quoting *Moffett v. City of Portland*, 400 A.2d 340, 348 (Me. 1979)).

24. The documents sought by Plaintiff’s requests are “written ... matter ... in the possession or custody of an agency” that have “been received or prepared for use in connection with the transaction of public or governmental business,” and are therefore “public records” subject to disclosure. 1 M.R.S. § 402(3).

25. The OAG withheld these responsive records. *See* Ex. C at 1; Ex. D at 1.

26. The OAG attempted to excuse its noncompliance by citing 1 M.R.S.A. §402(3)(B), which exempts records that “would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials.” 1 M.R.S.A. §402(3)(B); *see also* *See* Ex. C at 1; Ex. D at 1. Based on this statute, the OAG summarily concluded that *all* the requested records fell under either attorney-client privilege or the attorney work product doctrine and were exempt from disclosure.

27. But under the Rules of Evidence, “[t]he lawyer-client privilege *does not apply* to communications between a public officer or agency and its lawyers” unless a court affirmatively determines that “disclosure will seriously impair” the agency’s “ability to carry out a pending ...

litigation.” Me. R. Evid. 502 (emphasis added). Nor is Plaintiff aware of any authority authorizing a Maine agency to shield the fees it pays to—or the nature of its relationship with—outside counsel from the public.

28. Moreover, Maine procurement law requires these records to be disclosed since they relate to “personal services work performed under a [government] contract.” 5 M.R.S.A. §1816-A(4). The OAG was legally required to “utilize a process of competitive bidding” when it awarded personal services contracts to the law firms assisting in its litigation against energy producers. *See* Code Me. R. tit. 18-554 Ch. 155, Pt. 1, §One. And the OAG was further required to maintain records related to that process as public records subject to public access. *See* Code Me. R. tit. 18-554 Ch. 155, Pt. 1, §One; *see also* 5 M.R.S.A. §1552 (defining “agency”). So, to the extent the agency complied with its legal obligations, these records exist and are public.

29. Moreover, records related to any fees paid to these outside attorneys are expressly open to the public and not subject to any exemption, since the relevant statute provides that “information relating to wages and benefits of the employees performing personal services work” is not “proprietary” and therefore publicly accessible. 5 M.R.S.A. §1816-A(4).

30. The OAG’s blanket denial of Plaintiff’s requests is an outlier. Plaintiff routinely obtains records like the ones requested here from other state attorney general offices. Many other states and municipalities have either voluntarily released contracts like these or been forced to turn them over under public records laws, and courts have repeatedly rejected any notion that an agreement between a state agency and a private law firm is privileged or confidential.

31. Defendant’s flat refusal to comply with the FOAA and provide access to the documents sought by Plaintiff is willful and in bad faith. The OAG categorically denied Plaintiff’s January 8, 2025, request just 48 hours after it was submitted, demonstrating that no serious investigation was performed. Plaintiff is thus entitled to recover litigation expenses and reasonable

attorney's fees. 1. M.R.S.A. § 409(4).

32. Fulfilling Plaintiff's requests by requiring production of the disputed records accords with the purposes underlying the FOAA. The OAG violated the FOAA by refusing to do so.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands:

- A. Copies of all documents requested by Plaintiff in its November 15, 2024, and January 8, 2025, FOAA requests and withheld by the OAG;
- B. An award of costs of this action and reasonable attorneys' fees; and
- C. Such other relief as the Court may deem equitable and just.

Dated: _____, 2025

Respectfully submitted,

Patrick N. Strawbridge
Maine Bar No. 10024
CONSOVOY MCCARTHY PLLC
Ten Post Office Square
8th Floor South PMB #706
Boston, MA 02109
(617) 227-0548
patrick@consovoymccarthy.com

Counsel for Plaintiff

EXHIBIT A

MAINE PUBLIC RECORDS LAW REQUEST

November 15, 2024

Jonathan Bolton
[Freedom of Access Officer](#)
Maine Attorney General's Office
6 State House Station
Augusta, ME 04333

By Electronic Mail: Jonathan.bolton@maine.gov

Re: Certain described 2024 correspondence

Dear Sir or Madam:

On behalf of Government Accountability & Oversight (GAO) — a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program — pursuant to the Maine Freedom of Access Act, Maine Rev. Stat., Title 1, Ch. 13, I hereby request copies of:

all electronic correspondence (email, text messages (including SMS, MMS, DMs, WhatsApp, Signal, Telegram, Slack/Teams/Zoom messages and or Twitter or Facebook direct messages) and any accompanying information, including also any attachments, sent to or from or which copies (including cc: and bcc:) **i) Aaron Frey, ii) Christina Moylan, iii) Tom Knowlton, and/or iv) Scott Boak**, which is dated at any time from **June 1, 2024 through November 15, 2024**, inclusive, that also includes, anywhere, whether in an email's to/from/cc/bcc or Subject fields, or the body of an email or any attachment, **i) Edling, ii) @climateintegrity.org, iii) Enck, iv) Shornstein, v) Zeballos, and/or vi) Johl**.

Electronic correspondence includes **emails and text messages**, the latter which *also* includes as Telegram, WhatsApp, Signal or Twitter or Facebook direct messages. They include described records on any account used at any time for work purpose; any records meeting this request's search parameters are inherently related to the employee's work at this public institution.

These 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 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

EXHIBIT B

MAINE PUBLIC RECORDS LAW REQUEST

January 8, 2025

Jonathan Bolton
[Freedom of Access Officer](#)
Maine Attorney General's Office
6 State House Station
Augusta, ME 04333

By Electronic Mail: Jonathan.bolton@maine.gov

Re: Certain described 2024 paperwork pertaining to retention of outside counsel

Dear Sir or Madam:

On behalf of Government Accountability & Oversight (GAO) — a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program — pursuant to the Maine Freedom of Access Act, Maine Rev. Stat., Title 1, Ch. 13, I hereby request copies of:

1. Any common interest agreement, contingency fee or other fee agreement, secondment agreement, and/or retainer agreement and/or engagement agreements, entered into by your Office in 2024 with a) Hausfeld LLP, b) Sher Edling LLP, and/or c) DiCello Levitt LLP;¹
2. Any paperwork completed by your Office in 2024 pursuant to Maine Rev. Stat., Title 5, Ch. 155, §1816 Personal Services Contracting, and/or otherwise to obtain approval for or to document and/or justify its retention of a) Hausfeld LLP, b) Sher Edling LLP, and/or c) DiCello Levitt LLP.

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

¹ Requester notes in advance both Maine Rev. Stat., Title 5, Ch. 155, §1816(4), and that the records requested otherwise are not likely to be exempt from production. Numerous states and municipalities have voluntarily released these contracts and others, including most recently the State of New Jersey, have been forced to turn over these same retention agreements under public records laws, and courts have rejected any notion that the agreement between a state and that firm is itself privileged or confidential.

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 to 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

EXHIBIT C



GAO

RE: MAINE PUBLIC RECORDS LAW REQUEST

1 message

Bolton, Jonathan <Jonathan.Bolton@maine.gov>
To: GAO <info@govoversight.org>

Fri, Jan 10, 2025 at 12:24 PM

Mr. Thomas:

We have completed our review of records responsive to your request below, dated January 8, 2025. After review, we have determined that all responsive records are subject to the attorney-client privilege and attorney work product doctrine. We are therefore denying your request under 1 MRSA §402(3)(B).

This completes our response to your request.

Thank you,

Jon



JONATHAN R. BOLTON, AAG PUBLIC ACCESS OFFICER

OFFICE OF THE MAINE ATTORNEY GENERAL

6 STATE HOUSE STATION | AUGUSTA, ME 04333

(207) 626-8551 (DIRECT DIAL) | (207) 626-8800 (MAIN OFFICE)

jonathan.bolton@maine.gov | www.maine.gov/ag

From: GAO <info@govoversight.org>
Sent: Wednesday, January 8, 2025 12:06 PM
To: Bolton, Jonathan <Jonathan.Bolton@maine.gov>
Subject: MAINE PUBLIC RECORDS LAW REQUEST

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Please see the attached.

Thank you in advance for your assistance.



image001.png
29K

EXHIBIT D



GAO

RE: MAINE PUBLIC RECORDS LAW REQUEST

1 message

Bolton, Jonathan <Jonathan.Bolton@maine.gov>
To: GAO <info@govoversight.org>

Fri, Jan 10, 2025 at 3:13 PM

Dear Mr. Thomas:

Attached please find non-privileged records responsive to your Freedom of Access Act request. As expected, your request was denied in part based on the attorney-client privilege and attorney work-product doctrine. See 1 MRSA §402(3)(B).

Total staff time to process your request was 6 hours. We are therefore accepting your \$100 prepayment as payment in full for your request.

This completes our response to your Freedom of Access Act request.

Thank you,

Jon



JONATHAN R. BOLTON, AAG PUBLIC ACCESS OFFICER

OFFICE OF THE MAINE ATTORNEY GENERAL

6 STATE HOUSE STATION | AUGUSTA, ME 04333

(207) 626-8551 (DIRECT DIAL) | (207) 626-8800 (MAIN OFFICE)

jonathan.bolton@maine.gov | www.maine.gov/ag

From: GAO <info@govoversight.org>
Sent: Tuesday, December 3, 2024 9:28 AM
To: Bolton, Jonathan <Jonathan.Bolton@maine.gov>
Subject: Re: MAINE PUBLIC RECORDS LAW REQUEST

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Thank you.

Payment scheduled.

Check should arrive on or before 12/10/2024.

On Tue, Dec 3, 2024 at 8:59 AM Bolton, Jonathan <Jonathan.Bolton@maine.gov> wrote:

Dear Mr. Thomas:

We have completed our initial review of your request and located 496 deduplicated records that are likely responsive to your Freedom of Access Act request. A single record for purposes of this estimate includes both the electronic communication itself and any attachments.

These records are likely to contain information subject to the attorney-client privilege and work product doctrine. As a result, attorney review of each record is necessary and we expect that your request will be denied in part on these and possibly other grounds. At an estimated review rate of 60 records per hour, plus additional time for searching and post-review processing, I estimate a total time of 10 staff hours to process your request. At the statutory rate of \$25/hour, less the first two hours, the total estimated cost of responding to your request is \$200.

You should understand that you will be charged for review of all potentially responsive records, even if they are determined to be confidential or privileged in their entirety. You should also understand that the actual cost of the request could be higher or lower than the estimate.

To proceed with the request, please remit a prepayment of \$100. You may send the check to my attention at the address below, made out to "Treasurer, State of Maine."

I estimate that we will be able to produce records responsive to your request in approximately 2 months after we receive your prepayment.

Thank you,

Jon



Jonathan R. Bolton, AAG | Public Access Officer

Office of the Maine Attorney General

6 State House Station | Augusta, ME 04333

(207) 626-8551 (direct dial) | (207) 626-8800 (main office)

jonathan.bolton@maine.gov | www.maine.gov/ag

From: Bolton, Jonathan
Sent: Friday, November 15, 2024 12:04 PM
To: GAO <info@govoversight.org>
Subject: RE: MAINE PUBLIC RECORDS LAW REQUEST

I am the public access officer for the Office of Attorney General. This email is to acknowledge your Freedom of Access Act request below. Please note that your request may be denied in part or in whole to the extent responsive records are confidential by statute, within the scope of a privilege against discovery or use as evidence, or otherwise outside the definition of "public records" in [1 M.R.S. §402\(3\)](#).

I am consulting with individuals in our office who may have records responsive to your request. Either myself or someone with subject-matter knowledge relevant to your request will be in touch shortly with further information, including a time and cost estimate if necessary.

General information about the Freedom of Access Act may be found [here](#).

Thank you,

Jon



Jonathan R. Bolton, AAG | Public Access Officer

Office of the Maine Attorney General

6 State House Station | Augusta, ME 04333

(207) 626-8551 (direct dial) | (207) 626-8800 (main office)

jonathan.bolton@maine.gov | www.maine.gov/ag

From: GAO <info@govoversight.org>
Sent: Friday, November 15, 2024 11:40 AM
To: Bolton, Jonathan <Jonathan.Bolton@maine.gov>
Subject: MAINE PUBLIC RECORDS LAW REQUEST

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2 attachments



image002.png
29K

 OAG FOAA response.pdf
985K

From: [Environmental Law360](#)
To: [Boak, Scott](#)
Subject: Split 4th Circ. Tosses Suit Over "Forever Chemicals" In NC
Date: Tuesday, June 11, 2024 4:12:29 AM

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Environmental

TUESDAY, JUNE 11, 2024



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TOP NEWS

[Split 4th Circ. Tosses Suit Over 'Forever Chemicals' In NC](#)

By Travis Bland

The Fourth Circuit ruled Monday that environmental groups couldn't challenge in district court the U.S. Environmental Protection Agency's selection of particular so-called forever chemicals for testing after the agency agreed, at the groups' request, to research the chemicals' effects in North Carolina.

Opinion attached | [Read full article »](#) | [Save to favorites »](#)

[Justices Seek Solicitor General View On Climate Change Torts](#)

By Keith Goldberg

The U.S. Supreme Court on Monday asked the U.S. solicitor general to weigh in on a bid to end a suit brought by Honolulu seeking to put fossil fuel companies on the hook for climate change-related damages.

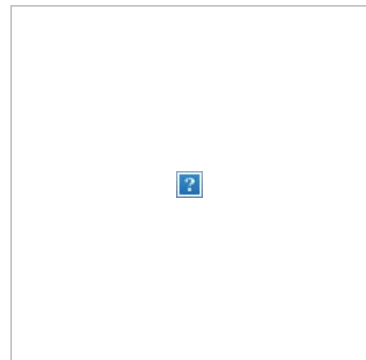
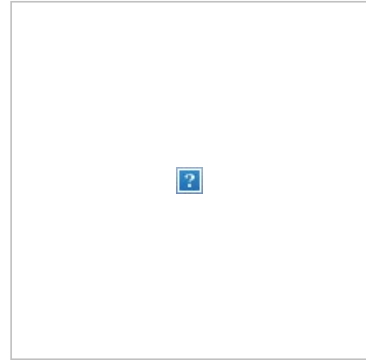
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[EPA Air Compliance Rule Trumps State Powers, DC Circ. Told](#)

By Madeline Lyskawa

The U.S. Environmental Protection Agency usurped state authority when it issued a final rule changing the deadline for states to submit Clean Air Act compliance plans for power plants and other existing facilities within their borders, 25 Republican-led states told the D.C. Circuit.

Brief attached | [Read full article »](#) | [Save to favorites »](#)



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From: [Consumer Protection Law360](#)
To: [Moylan, Christina](#)
Subject: Justices To Hear Meta Investor Suit Over Risk Disclosures
Date: Tuesday, June 11, 2024 5:08:23 AM

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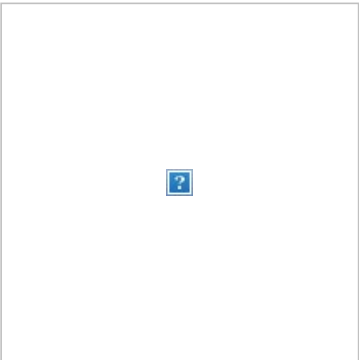
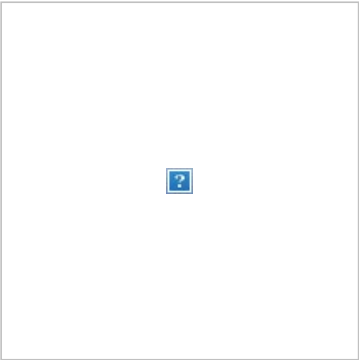
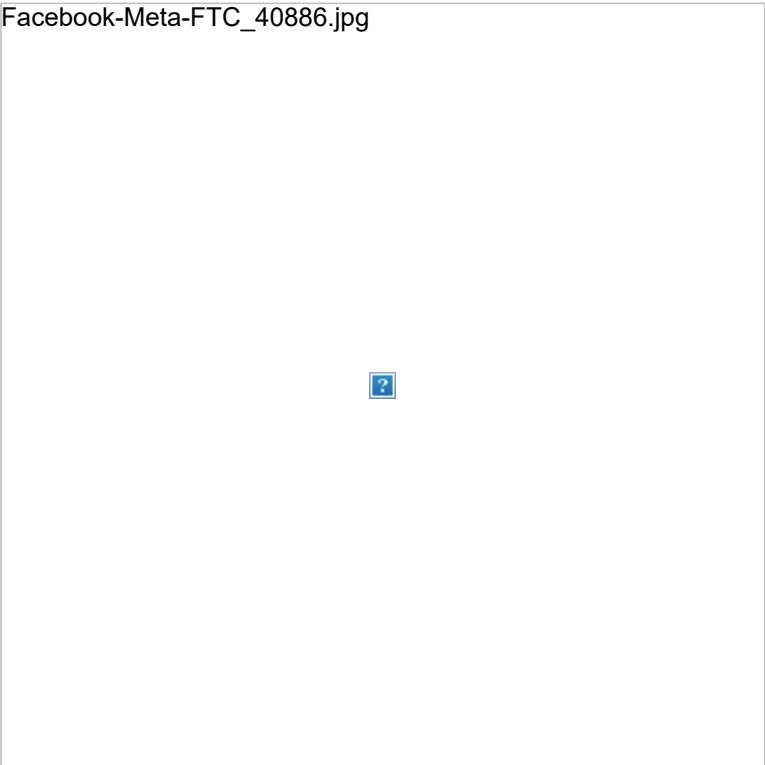


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TOP NEWS

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[Justices To Hear Meta Investor Suit Over Risk Disclosures](#)

By Sarah Jarvis

The U.S. Supreme Court on Monday agreed to hear Meta Platforms' petition regarding the Ninth Circuit's decision to partially revive investors' claims over the Cambridge Analytica data abuse scandal, after the tech giant argued the appellate panel adopted "extreme outlier positions."

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Privacy Law Needs Broader State Override, Trade Groups Say

By Allison Grande

Nearly two dozen business groups are calling on Congress to expand the preemption provisions in proposed legislation to give consumers more control over their personal information, arguing that the current draft "falls short" of creating a uniform national data privacy framework by failing to fully override the emerging state law patchwork.

Letter attached | [Read full article »](#) | [Save to favorites »](#)

Justices Seek Solicitor General View On Climate Change Torts

By Keith Goldberg

The U.S. Supreme Court on Monday asked the U.S. solicitor general to weigh in on a bid to end a suit brought by Honolulu seeking to put fossil fuel companies on the hook for climate change-related damages.

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OAG-FOAA 000011

From: [Environmental Law360](#)
To: [Boak, Scott](#)
Subject: EPA Urges DC Circ. To Uphold Chemical Rule Deadline
Date: Thursday, June 13, 2024 4:10:03 AM

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TOP NEWS

EPA Urges DC Circ. To Uphold Chemical Rule Deadline

By *Juan-Carlos Rodriguez*

The U.S. Environmental Protection Agency on Tuesday asked the D.C. Circuit to reject a Louisiana-based neoprene manufacturer's bid to immediately block the EPA from enforcing a chemical emissions rule that will directly affect the company.

Brief attached | [Read full article »](#) | [Save to favorites »](#)

EPA Tells DC Circ. Emissions Rules Should Stay In Place

By *Madeline Lyskawa*

The U.S. Environmental Protection Agency has fired back at attempts to pause two final rules establishing greenhouse gas emissions standards for power plants and expanded methane emissions control requirements for oil and gas infrastructure, urging the D.C. Circuit to keep the rules in place amid myriad legal challenges.

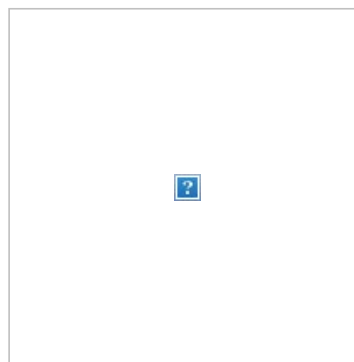
6 documents attached | [Read full article »](#) | [Save to favorites »](#)

GOP, Dems Fight Over Climate Investment 'Collusion'

By *Bryan Koenig*

House Judiciary Democrats and Republicans traded barbs and competing staff reports Wednesday over investment industry initiatives to combat climate change that the GOP called a "climate cartel" and their partisan rivals said is simply responsible, and voluntary, investing.

2 documents attached | [Read full article »](#) | [Save to favorites »](#)



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From: [Consumer Protection Law360](#)
To: [Moylan, Christina](#)
Subject: Terraform To Settle With SEC For \$4.5B After Fraud Trial
Date: Thursday, June 13, 2024 5:34:29 AM

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THURSDAY, JUNE 13, 2024

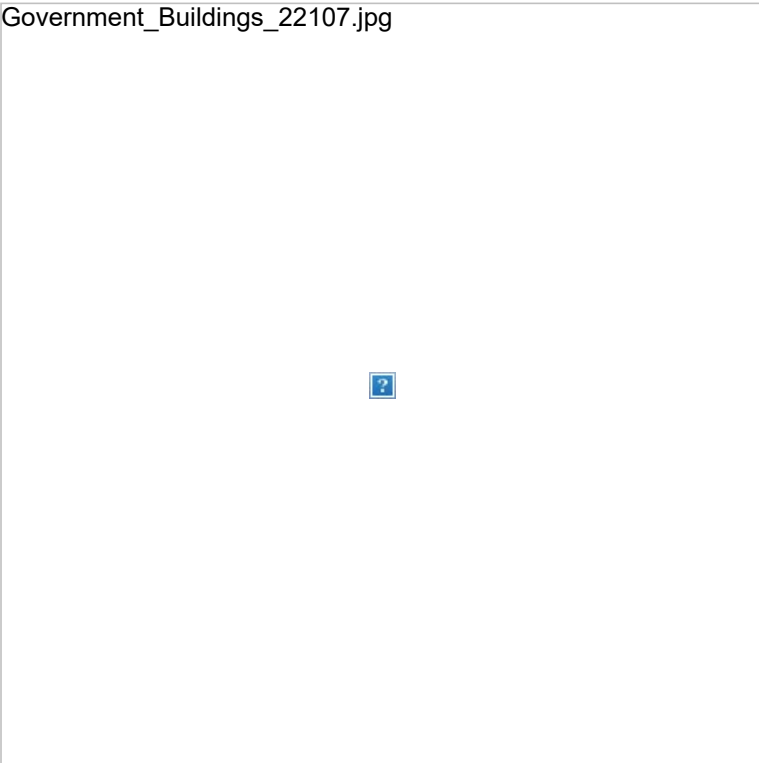


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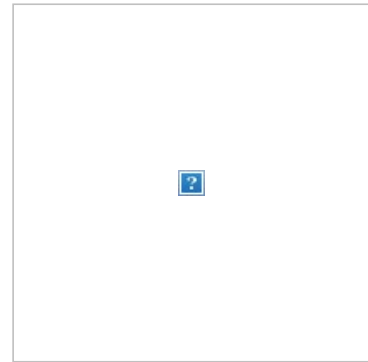


[Terraform To Settle With SEC For \\$4.5B After Fraud Trial](#)

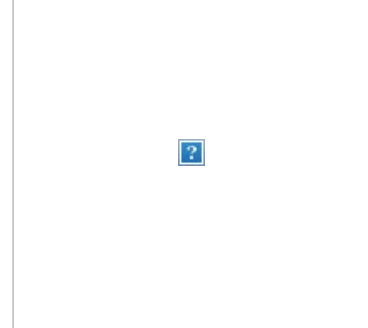
By Aislinn Keely

Crypto firm Terraform Labs has agreed to a \$4.47 billion settlement with the U.S. Securities and Exchange Commission after a Manhattan jury found the firm and its founder Do Kwon liable for fraud in April.

4 documents attached | [Read full article »](#) | [Save to favorites »](#)



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Texas Judge 'Exasperated' By Parties In Skiplagged Suit

By *Spencer Brewer*

An "exasperated" Texas federal judge on Wednesday ordered American Airlines and airfare search engine Skiplagged Inc. into mediation after the parties ran into their sixth discovery dispute in litigation around Skiplagged's alleged unauthorized ticket sales, saying the court didn't want to referee "countless discovery disputes used as litigation tactics."

Motion attached | [Read full article »](#) | [Save to favorites »](#)

FTC Tells DC Circ. It Can Modify \$5B Meta Privacy Deal

By *Lauren Berg*

The Federal Trade Commission told the D.C. Circuit on Wednesday that it has the authority to reopen its in-house proceedings in order to revise a \$5 billion privacy settlement with Meta Platforms, saying the courts do not have oversight of the agency's administrative order.

Brief attached | [Read full article »](#) | [Save to favorites »](#)

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From: [Environmental Law360](#)
To: [Boak, Scott](#)
Subject: "Plain English, Graphics, Pictures": Enviro Policy Post-Chevron
Date: Wednesday, July 10, 2024 5:13:02 AM

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Analysis

'Plain English, Graphics, Pictures': Enviro Policy Post-Chevron

By *Madeline Lyskawa*

Environmental policymakers will have to start writing their rules using "plain English, graphics, pictures" and other tactics to make the rationale behind agency and congressional policy crystal clear to judges in the wake of the U.S. Supreme Court's recent decision striking down Chevron deference, attorneys told Law360.

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Experts Lose EPA Scientific Panel 'Echo Chamber' Lawsuit

By *Juan-Carlos Rodriguez*

The D.C. Circuit has tossed a lawsuit alleging that the U.S. Environmental Protection Agency illegally created a scientific "echo chamber" by not selecting experts with an industry background to serve on an air quality advisory committee.

Opinion attached | [Read full article »](#) | [Save to favorites »](#)

DC Circ. Sends EPA Chemical Test Order Back For Review

By *Tom Lotshaw*

The D.C. Circuit scrapped a U.S. Environmental Protection Agency order directing seven chemical manufacturers and processors to test the effects of 1,1,2-trichloroethane on the reproductive systems of birds, holding that it improperly relied on nonpublic information to justify the need for the testing.

Opinion attached | [Read full article »](#) | [Save to favorites »](#)



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Subject: With Chevron's End, LGBTQ+ Healthcare Regs Face New Risk
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Analysis

With Chevron's End, LGBTQ+ Healthcare Regs Face New Risk

By Hannah Albarazi

The end of Chevron deference is already disrupting regulation meant to protect LGBTQ+ access to healthcare, with three federal judges blocking enforcement of a Biden administration rule prohibiting discrimination based on gender identity in healthcare.

3 documents attached | [Read full article »](#) | [Save to favorites »](#)

Boeing, DOJ Say 737 Max Families Can't Rush Monitor Pick

By Linda Chiem

Boeing has told a Texas federal judge that 737 Max crash victims' families cannot rush the appointment of an independent monitor to oversee the company's safety and compliance efforts, saying its new tentative plea agreement with the U.S. Department of Justice adequately addresses the monitorship issue.

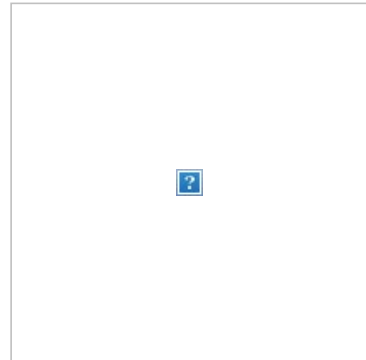
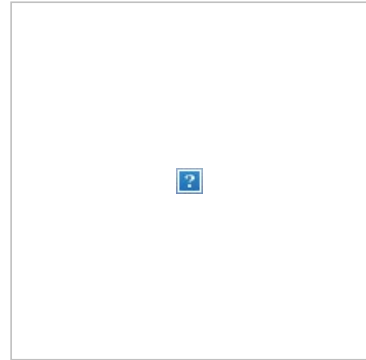
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FTC Deal Bars Messaging App From Allowing Users Under 18

By Allison Grande

Anonymous messaging app maker NGL Labs LLC and two of its founders will shell out \$5 million and be banned from offering the service to anyone under age 18 to resolve the Federal Trade Commission and Los Angeles County's claims that they unfairly marketed the app to children and teens and falsely portrayed their content moderation efforts.

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TOP NEWS

Oil Giants Defeat City Of Baltimore's Climate Change Claims

By Hailey Konnath

A Maryland judge has dismissed Baltimore's suit seeking climate change-related damages from oil companies including Chevron, Exxon and BP, ruling that the city's claims stem from a global phenomenon and thus are "beyond the limits of Maryland state law."

Opinion attached | [Read full article »](#) | [Save to favorites »](#)

\$1M Fine 'Substantial' In Wash. Dam Settlement, Judge Says

By Crystal Owens

A Washington federal judge, over objections from tribes and environmental groups, is allowing the government to enter into a proposed consent decree that would settle Clean Water Act violations, saying a \$1 million fine against dam operator Electron Hydro is substantial.

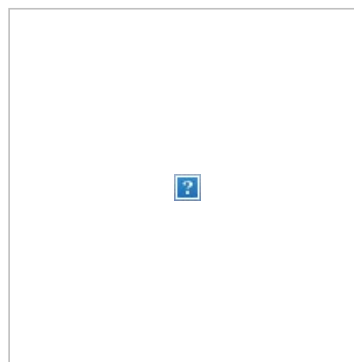
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Judge Grants Tesoro Injunction In Pipeline Fight With Feds

By Tom Lotshaw

A North Dakota federal judge has granted a Marathon Petroleum Corp. subsidiary's request for an injunction to block an Interior Department order vacating several decisions related to a pipeline crossing through part of the Fort Berthold Indian Reservation.

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From: [Consumer Protection Law360](#)
To: [Moylan, Christina](#)
Subject: Sens. Say AI Fuels Need For Data Privacy Law But Fail To Act
Date: Friday, July 12, 2024 5:42:26 AM

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TOP NEWS

Sens. Say AI Fuels Need For Data Privacy Law But Fail To Act

By Allison Grande

Members of a key U.S. Senate committee Thursday largely agreed that companies' growing efforts to amass private information to fuel artificial intelligence technologies are accelerating the need for a federal data privacy framework, but they failed to make progress on a bipartisan proposal opposed by the committee's top Republican.

Bill attached | [Read full article »](#) | [Save to favorites »](#)

Attys Say Milberg Must Pay For Fraud In Visa, Mastercard MDL

By Emily Sawicki

Class counsel representing plaintiffs in long-running multidistrict litigation accusing Visa and Mastercard of charging improper merchant fees have called for sanctions against Milberg Coleman Bryson Phillips Grossman LLC, laying out arguments for a fee reimbursement after the firm admitted to mistakenly registering fraudulent clients.

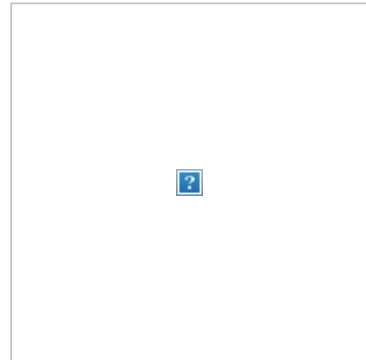
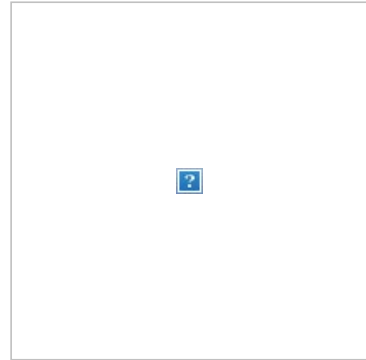
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FERC 'Waiting For Me To Die' With Late Order, Utility Atty Says

By Spencer Brewer

Counsel for the Louisiana Public Service Commission told the Fifth Circuit on Thursday the Federal Energy Regulatory Commission is "waiting for me to die" as it delays issuing a compliance order to System Energy Resources Inc., saying the agency was doing irreparable harm to consumers.

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From: [Environmental Law360](#)
To: [Boak, Scott](#)
Subject: Puerto Rico Launches Climate Suit Against Fossil Fuel Cos.
Date: Wednesday, July 17, 2024 5:00:52 AM

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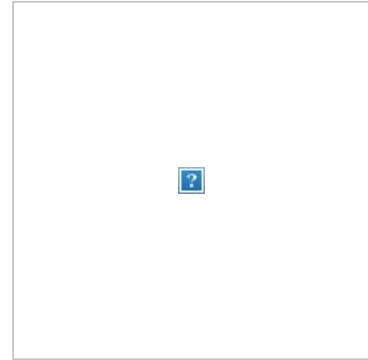
TOP NEWS

[Puerto Rico Launches Climate Suit Against Fossil Fuel Cos.](#)

By Madeline Lysekawa

The Commonwealth of Puerto Rico has accused Exxon Mobil Corp., BP PLC, Chevron Corp. and other petrochemical companies of deceiving the public about the effects associated with the use and burning of fossil fuels on the island, resulting in severe damage to Puerto Rico's natural resources.

Complaint attached | [Read full article »](#) | [Save to favorites »](#)

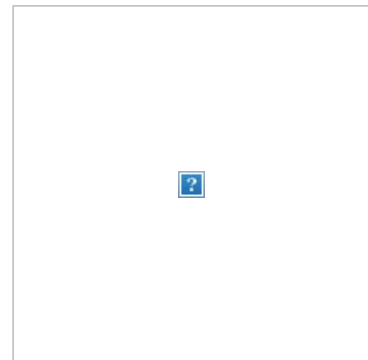


[Calif. Tribe Awarded \\$8.2M Over Destruction Of Cultural Site](#)

By Joyce Hanson

A California district court judge has granted the Quechan Indian Tribe's request for approximately \$8.2 million in damages after finding that a federal government construction project damaged cultural and archaeological sites on the tribe's reservation.

2 documents attached | [Read full article »](#) | [Save to favorites »](#)



[DC Circ. Knocks La. Site FERC Order, Tosses LNG Export Row](#)

By Tom Lotshaw

Two D.C. Circuit panels on Tuesday ruled the Federal Energy Regulatory Commission inadequately explained a failure to assess the significance of greenhouse gas emissions for proposed liquefied natural gas facilities in Louisiana, dismissing a challenge of approvals allowing a Texas project to send more of its LNG exports to nonfree trade agreement countries.

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