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**Subject:** RE: Open Records Request (GA-AG-22-0280)  
**Date:** Thursday, March 31, 2022 at 1:59:55 PM Eastern Daylight Time  
**From:** Jotonna Tulloch  
**To:** AO Records  
**Attachments:** image007.jpg, image008.png, image009.png, image001.jpg, image002.png, image003.png, Open Records Request.pdf

EXTERNAL SENDER

We have completed the attached open records request. We compiled the documents into a single PDF file for your review and are sharing them with you via our secure file sharing system called Kiteworks. You should have received an email with a link on how to access the file.

We made redactions of personal cell phone numbers pursuant to O.C.G.A. § 50-18-72 (a)(20)(A).

Pursuant to O.C.G.A. § 50-18-71(c)(1), cost associated with this request totaled \$110.75, which is based on 4 hours of administrative time at \$20 per hour; 30 minutes of attorney management time at \$61.50 per hour.

Please make out a check in the amount of \$110.75 payable to the Georgia Department of Law and mail to the following address:

*Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334  
Attn: Jotonna Tulloch, Open Records*



**Jotonna Tulloch**  
**Paralegal - Open Records Officer**  
**Office of the Attorney General Chris Carr**  
**Solicitor General Unit**  
(404) 458-3707  
jtulloch@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334



Richard >



iMessage  
Mon, Oct 25, 8:55 AM

Hi, Richard. Kara Richardson with AG Carr's office again. Just to double confirm, will we go live at 10:40 or 10:45?

10:40 is what I have been told but never hurts to be early. It's possible it can move one way or another but if you're here and he's in front of camera at 10:30 that would be great.

They just told me 10:50, so if you can be here at 10:35 that would be great. Gives me time to get him hooked up properly.

No problem. Thank you for the update!



iMessage





Richard >



hooked up properly.

No problem. Thank you for the update!



This is the camera crew you'll be looking for.

Looks great! On our way now.

Delivered



iMessage





Kevin &gt;



iMessage  
Tue, Jan 11, 7:45 PM

Hi, Kevin. Kara Richardson from GA AG Carr's office - Katie Byrd shared your info with me regarding a possible opportunity for the AG to join tomorrow's show in the 1 pm hour. Wanted to let you know we're currently scheduled to join Varney & Co at 11:30. That said, we're definitely interested in coming on Coast to Coast if not tomorrow, then certainly sometime moving forward. On this issue in particular, the AG is very passionate about pushing back against the frequently spread misinformation.

Hi Kara! So sorry I missed your call. Thank you for letting me know about his appearance on Varney. We'd love to have the AG join us, but would also like to space out the interviews between shows. Is there any chance next Monday or Tuesday would work, sometime between 12-2pmET?

Tue, Jan 11, 9:59 PM

Hi, Kevin! Sorry for the delay here.



iMessage





Kevin &gt;



Tue, Jan 11, 9:59 PM

Hi, Kevin! Sorry for the delay here. I'm working to triple check the AG's schedule but one of those two days should work. I'll be able to confirm tomorrow morning if you don't mind.

Wed, Jan 12, 4:45 PM

Hi, Kevin! We're open during the noon hour next Tuesday. Sorry for the delay (again!) we've been working on the schedule today.

No worries at all! Hectic day over here too.

Sounds great I will add him to the schedule. Can I get your email? I will be out of the office from Friday to Monday and want to loop you in with our bookers who can help you with specifics ahead of the interview when I'm out. Thanks!

Of course! It's [kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)

We can do in studio at Inertia Films (by our office in downtown Atl) if the bookers are good with that



iMessage





Kevin >



tomorrow morning if you don't mind.

Wed, Jan 12, 4:45 PM

Hi, Kevin! We're open during the noon hour next Tuesday. Sorry for the delay (again!) we've been working on the schedule today.

No worries at all! Hectic day over here too.

Sounds great I will add him to the schedule. Can I get your email? I will be out of the office from Friday to Monday and want to loop you in with our bookers who can help you with specifics ahead of the interview when I'm out. Thanks!

Of course! It's [kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)

We can do in studio at Inertia Films (by our office in downtown Atl) if the bookers are good with that. Just let us know what works best!

Thank you for your help!

Delivered



iMessage





Ari >



iMessage  
Wed, Jan 12, 11:46 AM

Hi, Ari. Kara Richardson from AG Carr's office - wanted to make sure all looked good on your end. We had some tech glitches so got worried!

Hello!!

He was good, no issues for us

Perfect! Thank you and thanks for having us on. Hope to join again soon - have no doubt there will be much more to discuss this year!

Thank you and always feel free to reach out!

Do you know if there's any way we could get video from the interview at some point?

Delivered



iMessage





Ryan >



iMessage  
Sun, Oct 24, 4:16 PM

Let's move forward with this, Kara. I'm working on timing and getting a location set for the AG

Great! Thanks for working to set this up. We're excited for the opportunity.

Sun, Oct 24, 5:56 PM

Aiming for 10:45 outside of the 3rd base gate at truist park



Double confirming right now with our scheduler but that should work on our end!

So sorry for the delay. This is good on our end.

Perfect. If he can be in place by about 10:40, that would be great. If that happens to change in the morning, I'll let you know early and see if we can adjust

Great! Do you anticipate any other



iMessage





Ryan >



Great! Do you anticipate any other topics aside from MLB?

Not quite sure—I'll be in touch early with those topics



Mon, Oct 25, 7:08 AM

Morning! We'll keep the focus on MLB for the segment.  
  
Sharing with you Richard's number who will be your Photog at the stadium. Should be a good looking shot!  
  
[Redacted]

Great, thanks again! Look forward to additional opportunities to work together.

Mon, Oct 25, 9:09 AM

Ryan, sorry for the bother. Do we know if Chris will be speaking with Dana or Bill?

Bill!

iMessage input field with camera, app store, and voice recording icons

iOS dock with icons for Photos, App Store, Apple Pay, Target, Face ID, Memoji, Health, and Safari



Ryan >



Sorry forgot to say

Mon, Oct 25, 10:42 AM

All set??

Here with Richard, yes.

Waiting for Richard's go ahead to get in place.

Great segment, thanks so much Kara!



The AG is very happy, so thank you! Please do not hesitate to reach out in the future. We really enjoy working with you and your team!

One last ask - do you think it might be possible for us to get a clip of his interview?

Yep! I'll get on that

Thank you! And Go Braves!

Mon, Oct 25, 3:20 PM

Yes go braves!!



iMessage





Ryan >



Yes go braves!!



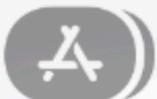
Georgia AG reacts to state hosting MLB World Series after losing All-Star Game: 'Poetic justice'

video.foxnews.com

This is the full one



Georgia AG Chris Carr slams 'cowardice' and 'hypocrisy' of MLB, applauds Braves ahead of World...



iMessage





Ryan >

Georgia AG Chris Carr slams 'cowardice' and 'hypocrisy' of MLB, applauds Braves ahead of World...

video.foxnews.com

Mon, Oct 25, 5:13 PM

Thank you!

Thu, Nov 4, 4:30 PM

Hi, Ryan! Hope all is well. Do you happen to know which shows broadcast out of DC? The AG is headed that way for a trip and will be in town on Wednesday, Nov. 10 (evening availability) and Thursday, Nov. 11 (scattered availability throughout the day). I'm hoping there might be a possibility for us to get him in studio and on camera. Would really appreciate any advice you might have for making that happen.

Hey Kara, great! The only two we have broadcasting out of DC are America Reports and Special Report



iMessage





Ryan &gt;



Hey Kara, great! The only two we have broadcasting out of DC are America Reports and Special Report.

AR booker is Caroline Whiteman  
SR booker is Kailyn Mahoney

[First.last@fox.com](mailto:First.last@fox.com)

Great! Thank you! I think Special Report would fit best with the schedule if they're open to it. I'll reach out to Kailyn.

Wed, Jan 12, 4:57 PM

Hi, Ryan! Hope you're doing well. Wanted to see if you might be interested in having the AG join the show tomorrow or Friday to talk Biden's visit to Atl and GA's election law? Of note, AG Carr is responsible for defending our bill in court against the DOJ's lawsuit.

Completely understand if y'all are already set - just wanted to reach out to ask!

Delivered



iMessage



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**From:** kmrichardson@law.ga.gov  
**Sent:** Tuesday, November 23, 2021 1:24 PM  
**To:** Lynne.JordalMartin@FOX.COM  
**Subject:** AG Carr Op-Ed: Georgia fighting Biden's mandate overreach

Hi Lynne,

Kelly Laco provided me with your email address. I wanted to reach out to kindly ask if you might be interested in running the following op-ed sometime over the next few days? As I'm sure you can imagine, we continue to receive emails and calls from countless employers and employees with questions about the mandates and how our lawsuit/s may impact them moving forward. The op-ed is around 648 words total.

Please let me know of any questions or if any additional information is needed.

Thank you for your consideration!  
Kara

### **Georgia fighting Biden's mandate overreach**

Despite a national labor shortage, supply chain disruption and rising inflation, President Biden continues to impose unconstitutional and reckless healthcare policies that will further cripple our economy.

My job is straightforward: Defend and protect the Constitution of the United States and the interests of the people of Georgia. For this reason, we have filed three separate lawsuits to stop President Biden's unlawful vaccinate mandates before our state and our citizens suffer irreparable harm.

The Constitution provides longstanding safeguards against federal overreach, specifying certain rights for states and individuals. President Biden – purportedly in the name of public health – has imposed three blanket vaccine mandates that trample these rights.

Let me be clear – our lawsuits are not about opposing the vaccine. I am pro-vaccine, and I am vaccinated myself. I encourage my fellow Georgians to talk with their doctors about the vaccine to make the best choice for themselves and their families.

These lawsuits are about the rule of law and whether the president has the authority to mandate healthcare decisions for our federal contractors, businesses with 100 or more employees, and healthcare workers. The answer is simple – he does not. This unconstitutional power grab is merely the latest example of a disturbing pattern emerging in this administration.

On Oct. 29, we filed our first lawsuit in the U.S. District Court for the Southern District of Georgia to challenge the vaccine mandate for federal contractors. This far-reaching mandate applies to many Georgia employers, both public and private, that receive certain federal funding, including our state universities and the Georgia Department of Agriculture.

Under this mandate, the Biden administration is forcing federal contractors to make a choice – terminate those who refuse to get vaccinated or risk losing billions in federal dollars. This will lead to the loss of skilled workers at a time of a

severe workforce shortage. We have asked for a preliminary injunction to temporarily stop the Biden administration from imposing its mandate, and a hearing is scheduled for Dec. 3.

On Nov. 5, we filed our second lawsuit in the U.S. Court of Appeals for the 11th Circuit to challenge the vaccine mandate imposed by the Occupational Safety and Health Administration (OSHA) for employers with 100 or more workers. The Biden administration took two months to publish this “emergency rule,” and it is not effective until January. Their own prolonged timeline shows this is not a true emergency.

This mandate goes far beyond the traditional role of OSHA’s authority over workplace safety, and we have asked the court to stay the mandate. On Nov. 12, the U.S. Court of Appeals for the 5th Circuit reaffirmed its decision to halt the employer mandate as part of a nationwide stay, and OSHA has temporarily suspended its enforcement of the mandate. A final decision will come from the U.S. Court of Appeals for the 6th Circuit, where lawsuits from all states challenging the OSHA mandate have been consolidated into one case.

On Nov. 15, we filed our third lawsuit in the U.S. District Court for the Western District of Louisiana asking for a preliminary injunction against the vaccine mandate for employees working at healthcare facilities that participate in Medicare and Medicaid programs. Georgia providers, particularly those located in rural areas, cannot afford the loss of workers or reduction of services that would result from this mandate.

President Biden imposed these mandates as a shortsighted attempt to force us to comply with a “one-size-fits-most-approach.” The U.S. Constitution gives the power to make public health decisions, such as whether to require vaccines, to the states, not the federal government. Nowhere in our founding documents is the federal government granted the authority to impose this type of widespread public health policy, and any attempt to do so violates our state’s sovereignty. The rule of law matters, and we will continue to protect the rights of our state and our citizens from such reckless actions.



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

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**From:** kmrichardson@law.ga.gov  
**Sent:** Sunday, January 23, 2022 9:40 AM  
**To:** meganLeigh.Myers@FOXNEWS.COM  
**Subject:** AG Chris Carr Press Op: GA Files Suit Against Biden Administration to Uphold Medicaid Proposal

Hi Megan,

Attorney General Carr [on Friday filed a lawsuit](#) against the Biden administration seeking the ability to continue with the implementation of Georgia's Medicaid program, Georgia Pathways to Coverage. This lawsuit follows the administration's recent decision to rescind core elements of the program - specifically its qualifying hours (through work, job training, education, volunteering) and premium requirements - despite the fact that the program had already been approved by the federal government.

Attorney General Carr has filed the suit on behalf of the state and is open to on-camera opportunities to discuss Georgia's legal efforts and CMS's unlawful and arbitrary attempt to cherry-pick pieces of an already agreed to bargain.

If there is any availability with The Story on Tuesday, we would certainly look forward to setting up an interview if possible.

Please let me know if this is something that might be of interest to you.

Thanks!

**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General**  
**(c): 470-421-9944**

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**From:** Koerber, Ashley <Ashley.koerber@FOX.COM>  
**Sent:** Sunday, January 23, 2022 1:52 PM  
**To:** Kara Richardson  
**Subject:** Automatic reply: Georgia AG Carr Files Suit Against Biden Administration to Uphold Medicaid Proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your message. I am no longer with Fox News as of January 14, 2022. Please direct all future Special Report booking inquiries to Gabriella.Ciuffetelli@fox.com. She will be happy to assist you. Please note that your email will not be forwarded automatically.

Sincerely,

Ashley Koerber Moir

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**From:** Zachery T. Michael <ZacheryM@newsmax.com>  
**Sent:** Tuesday, February 22, 2022 7:06 PM  
**To:** ccarr@law.ga.gov  
**Cc:** Chris Hull (IMI)  
**Subject:** [BULK] Censorship issue

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Carr:

I hope you are well. I am Director of Gvt and External Affairs with Newsmax and am working with Chris Hull on a censorship issue we are facing. This affects distribution in the state of Georgia and the way in which the AG Carr can communicate with constituents. Do you have some time this week to discuss further? Shouldn't take more than 20-30 minutes. Also, if it is more appropriate to discuss with the AGs CoS please let me know.

Look forward to hearing from you.

Best,

Zachery T. Michael  
Director, Government & External Affairs  
Newsmax Media, Inc.  
[zacherym@newsmax.com](mailto:zacherym@newsmax.com)  
(202) 735.1989

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**From:** kmrichardson@law.ga.gov  
**Sent:** Monday, December 13, 2021 11:12 AM  
**To:** Claire.Simms@FOX.COM  
**Subject:** EMBARGOED: Carr: Human Trafficking Prosecution Unit Arrests Four Individuals in Fulton County

Claire,

Please see below a copy of the language for today's press release, which is embargoed until noon.

Thank you!  
Kara

**Carr: Human Trafficking Prosecution Unit Arrests Four Individuals in Fulton County**  
***Unit investigates and prosecutes 51 defendants, rescues and assists 107 victims in 2021***

ATLANTA, GA —Attorney General Chris Carr today announced the office's Human Trafficking Prosecution Unit has rescued an underage victim and arrested four individuals in Fulton County for Human Trafficking, among other charges, following an extensive 10-month investigation. To date, the Human Trafficking Prosecution Unit has initiated 25 cases, arrested 9 individuals, investigated and prosecuted 51 defendants, and rescued and assisted 107 victims this year.

"Our Human Trafficking Prosecution Unit continues to play an integral role in our state's response to the abuse and exploitation of Georgia's children," said Carr. "Our team works from the ground-up to identify potential cases, locate and rescue victims, and prosecute buyers and traffickers. We remain dedicated in our efforts to protect our state's most vulnerable citizens and look forward to presenting these cases in court."

The Human Trafficking Prosecution Unit initiated its investigation after reviewing an alert issued by the National Center for Missing and Exploited Children. From this alert, Unit Investigator Bryan Kimbell was able to identify, locate and rescue a 14 year-old victim. The victim had been missing for approximately seven weeks at the time of the recovery in Feb. 2021.

A summary of the charges against the four individuals is included below.

- Jody Netter: Human Trafficking for Sexual Servitude, Rape, Child Molestation and Cruelty to Children. If convicted, the maximum potential sentence is life in prison plus 40 years.
- Raphel Olivia Sewer: Human Trafficking for Sexual Servitude. If convicted, the maximum potential sentence is life in prison.
- Courdale Thayer: Human Trafficking for Sexual Servitude, Cruelty to Children, False Imprisonment and Aggravated Assault. If convicted, the maximum potential sentence is life in prison plus 40 years.
- Jahaundria Seabron: Human Trafficking for Sexual Servitude. If convicted, the maximum potential sentence is life in prison.

A Fulton County Magistrate Court issued the arrest warrants\* for Netter and Sewer on Nov. 2, 2021. Arrest warrants\* for Thayer and Seabron were issued on Dec. 6, 2021.

The following law enforcement agencies assisted in this investigation.

- Gwinnett County Sheriff’s Office Trafficking and Child Exploitation Unit
- South Fulton Police Department
- Union City Police Department
- Homeland Security Investigations

*\*Members of the public should keep in mind that arrest warrants contain only allegations against the individual against whom the arrest is made. The individual in custody is presumed innocent until proven guilty, and it will be the government’s burden at trial to prove the individual guilty beyond a reasonable doubt of the allegations contained in the arrest warrant.*



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

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**From:** Fitzgerald, Kevin <kevin.fitzgerald@FOX.COM>  
**Sent:** Friday, January 14, 2022 4:36 PM  
**To:** kmrichardson@law.ga.gov  
**Cc:** DeThomasis, Jenna; Rodriguez, Carolina; Spilman, Deirdre  
**Subject:** FBN Cavuto Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kara

We are looking forward to having AG Carr join us on Tuesday!

As I mentioned I am out of the office and off emails until Monday night. I am looping in our bookers who can help with specifics for Tuesday.

Thanks!  
Kevin

Kevin Fitzgerald  
Associate Producer  
Fox Business - Cavuto: Coast to Coast  
C: 347.387.1192  
Kevin.Fitzgerald@foxnews.com

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**From:** kmrichardson@law.ga.gov  
**Sent:** Tuesday, December 7, 2021 4:58 PM  
**To:** AndrewMark.Miller@Fox.com  
**Subject:** Federal Contractors Preliminary Injunction

Hi Andrew,

Thank you for covering this case! <https://www.foxnews.com/politics/georgia-federal-judge-latest-to-halt-biden-federal-contractor-vaccine-mandate>. As you may be aware, Georgia led the multi-state coalition that brought this lawsuit to the U.S. District Court for the Southern District of Georgia (Augusta Division).

If interested, I wanted to offer the following comment from Attorney General Chris Carr:

“As the lead state for this case, we are very pleased that the court has issued a nationwide preliminary injunction. This decision protects Georgians from the Biden administration’s unlawful vaccine mandate, and we will continue to stand up for the rule of law until it has been stopped permanently.”

All the best,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

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**From:** Reuschle, Kathleen <kathleen.reuschle@FOXNEWS.COM>  
**Sent:** Sunday, January 10, 2021 1:05 PM  
**To:** arutherford@law.ga.gov  
**Subject:** Fox News

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Can you confirm whether an investigation has commenced regarding POTUS calls to GA SOS and SOS investigator?

Thank you  
Kat Reuschle  
7868632675

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**From:** kmrichardson@law.ga.gov  
**Sent:** Wednesday, October 20, 2021 1:40 PM  
**To:** Dale.Russell@fox.com  
**Subject:** FW: Jim Beck Settlement

Hi Dale,

Katie Byrd shared your email with me. I've just this week started in my new role as the communications director for the office, so it's great to connect with you. In regards to your inquiry, we do not have a comment.

Thank you,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

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**From:** "Russell, Dale" <[Dale.Russell@fox.com](mailto:Dale.Russell@fox.com)>  
**Date:** October 19, 2021 at 12:02:35 PM EDT  
**To:** "Byrd, Katie" <[katie.byrd@georgia.gov](mailto:katie.byrd@georgia.gov)>  
**Subject:** Jim Beck Settlement

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Katie,

Hope you are well.

Does Mr. Carr, Laura McDonald, or Matthew O'Brien have any comments on the Jim Beck settlement?

Thanks,

**Dale Russell**  
Senior I-Team Reporter  
FOX 5 News

Get I-Team Updates on:

Twitter@DaleRussellFox5

Instagram @dalerussellfox5

Facebook @Dale Russell Fox 5

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**From:** kmrichardson@law.ga.gov  
**Sent:** Thursday, November 4, 2021 8:20 PM  
**To:** kailyn.mahoney@fox.com  
**Subject:** GA AG Carr Interview Opportunity

Hi Kailyn,

I wanted to reach out to discuss any potential opportunities for Attorney General Chris Carr to sit for an in-studio interview with Bret Baier while he's in D.C. next Wednesday, Nov. 10. We're open to the topic of discussion. Of course, our work right now is focused more towards protecting our state from the vaccine mandates. The Attorney General is also leading an effort [to fight against the Biden administration's IRS policy](#) and has joined with other state attorneys general [to voice opposition against the DOJ and the NSBA](#).

If you're interested, we really hope to make this happen on our end. With that said, here's my cell phone number: 470-421-9944. Please feel free to call or text if it's easier.

We look forward to hearing from you!

Thank you,  
Kara



**Kara Richardson**  
Communications Director  
Office of the Attorney General Chris Carr  
Executive Office  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
Georgia Department of Law  
40 Capitol Square SW

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**From:** kmrichardson@law.ga.gov  
**Sent:** Sunday, January 23, 2022 1:51 PM  
**To:** ashley.koerber@foxnews.com  
**Subject:** Georgia AG Carr Files Suit Against Biden Administration to Uphold Medicaid Proposal

Hi Ashley,

Georgia AG Chris Carr [on Friday filed a lawsuit](#) against the Biden administration over the state's new Medicaid program. This follows the decision by CMS to rescind core elements of the Medicaid program - specifically its qualifying hours (through work, job training, education, volunteering) - despite the fact that the proposal had already been approved by the federal government. Since the CMS decision in December, implementation of the program has been paused pending litigation.

AG Carr is open to on-camera opportunities to discuss Georgia's legal efforts and CMS's unlawful and arbitrary attempt to cherry-pick pieces of an already agreed to bargain.

If there is any availability with Special Report on Tuesday, we would certainly look forward to setting up an interview if possible.

Please let me know if this is something that might be of interest to you.

Thanks!

**Kara Richardson**

**Communications Director**

**Office of the Attorney General**

**(c): 470-421-9944**

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**From:** Russell, Dale <Dale.Russell@FOX.COM>  
**Sent:** Monday, November 22, 2021 9:32 AM  
**To:** Kara Richardson  
**Cc:** Russell, Dale  
**Subject:** Medical Cannabis Commission Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kara,

Our lawyers are now involved with the Cannabis commission. The only issue is Mr. Turnage has not responded to me or our attorney. In fairness, our lawyer emailed him about an hour ago.

But, it is clear we are not going to be able to attend this hearing. I'm not sure what our lawyers will work out with Mr. Turnage.

In the meantime, we are preparing a report to be aired on WAGA about the fact that this bid appeal process, like much of the bid process itself, is closed to the citizens of Georgia.

We would like to talk to Mr. Carr about this development.

Thanks,

**Dale Russell**  
Senior I-Team Reporter  
FOX 5 News

Get I-Team Updates on:

Twitter@DaleRussellFox5  
Instagram @dalerussellfox5  
Facebook @Dale Russell Fox 5

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**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Friday, November 19, 2021 5:29 PM  
**To:** Russell, Dale <Dale.Russell@FOX.COM>  
**Subject:** Medical Cannabis Commission Inquiry

Hi Dale,

Since we are unable to offer legal advice, please see the below Georgia code that may be helpful to you as it concerns your inquiry.

[Ga. Code Ann. § 50-14-1 \(Lexis Advance through the 2021 Regular Session of the General Assembly\)](#)

(A) "Meeting" means:

- (i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or
- (ii) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

(B) "Meeting" shall not include:

- (i) The gathering of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency at which no other official business of the agency is to be discussed or official action is to be taken;
- (ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide, multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;
- (iii) The gathering of a quorum of the members of a governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;
- (iv) The gathering of a quorum of the members of a governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or
- (v) The gathering of a quorum of the members of a governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

This subparagraph's exclusions from the definition of the term "meeting" shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

Thank you,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
Georgia Department of Law  
40 Capitol Square SW

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**From:** kmrichardson@law.ga.gov  
**Sent:** Tuesday, November 23, 2021 1:18 PM  
**To:** Kelly.Laco@FOX.COM  
**Subject:** RE: AG Carr Op-Ed: Georgia fighting Biden's mandate overreach

Hi Kelly,

Thank you so much for the guidance! I'll share it with her now. Hope you have a wonderful Thanksgiving!

All the best,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

---

**From:** Laco, Kelly [mailto:Kelly.Laco@FOX.COM]  
**Sent:** Tuesday, November 23, 2021 10:14 AM  
**To:** Kara Richardson <kmrichardson@law.ga.gov>  
**Subject:** RE: AG Carr Op-Ed: Georgia fighting Biden's mandate overreach

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Hi Kara!

So sorry for the delay in responding, I am working the Tues-Saturday shift, so Monday is my weekend. The best POC for getting an op-ed run is Lynne – you can send it to her directly at [Lynne.JordalMartin@FOX.COM](mailto:Lynne.JordalMartin@FOX.COM) (the opinion side is a little separate from our regular news room).

Thanks and I look forward to working with you in the future!

Kelly

**Kelly Laco**  
Editor, Fox News Digital  
202-525-9983  
[Kelly.Laco@fox.com](mailto:Kelly.Laco@fox.com)

---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Monday, November 22, 2021 1:12 PM  
**To:** Laco, Kelly <[Kelly.Laco@FOX.COM](mailto:Kelly.Laco@FOX.COM)>  
**Subject:** AG Carr Op-Ed: Georgia fighting Biden's mandate overreach

Hi Kelly,

Katie Byrd shared your contact information with me as I settle into my new role as Communications Director for Attorney General Chris Carr. I look forward to working with you!

With that said, I wanted to reach out to ask if you might be interested in running the following op-ed sometime in the next few days? I realize this might be tricky with the Thanksgiving holiday. However, we thought it best to share with you now with many employees receiving notice of the new vaccine requirements for their place of work. We're also hoping to address some common misunderstandings surrounding the lawsuits (how they're different, which groups of employees are impacted, etc.). For reference, it's 648 words.

Please let me know of any questions or if any additional information is needed.

Thank you for your consideration!

Best,  
Kara

### **Georgia fighting Biden's mandate overreach**

Despite a national labor shortage, supply chain disruption and rising inflation, President Biden continues to impose unconstitutional and reckless healthcare policies that will further cripple our economy.

My job is straightforward: Defend and protect the Constitution of the United States and the interests of the people of Georgia. For this reason, we have filed three separate lawsuits to stop President Biden's unlawful vaccinate mandates before our state and our citizens suffer irreparable harm.

The Constitution provides longstanding safeguards against federal overreach, specifying certain rights for states and individuals. President Biden – purportedly in the name of public health – has imposed three blanket vaccine mandates that trample these rights.

Let me be clear – our lawsuits are not about opposing the vaccine. I am pro-vaccine, and I am vaccinated myself. I encourage my fellow Georgians to talk with their doctors about the vaccine to make the best choice for themselves and their families.

These lawsuits are about the rule of law and whether the president has the authority to mandate healthcare decisions for our federal contractors, businesses with 100 or more employees, and healthcare workers. The answer is simple – he does not. This unconstitutional power grab is merely the latest example of a disturbing pattern emerging in this administration.

On Oct. 29, we filed our first lawsuit in the U.S. District Court for the Southern District of Georgia to challenge the vaccine mandate for federal contractors. This far-reaching mandate applies to many Georgia employers, both public and private, that receive certain federal funding, including our state universities and the Georgia Department of Agriculture.

Under this mandate, the Biden administration is forcing federal contractors to make a choice – terminate those who refuse to get vaccinated or risk losing billions in federal dollars. This will lead to the loss of skilled workers at a time of a

severe workforce shortage. We have asked for a preliminary injunction to temporarily stop the Biden administration from imposing its mandate, and a hearing is scheduled for Dec. 3.

On Nov. 5, we filed our second lawsuit in the U.S. Court of Appeals for the 11th Circuit to challenge the vaccine mandate imposed by the Occupational Health and Safety Administration (OSHA) for employers with 100 or more workers. The Biden administration took two months to publish this “emergency rule,” and it is not effective until January. Their own prolonged timeline shows this is not a true emergency.

This mandate goes far beyond the traditional role of OSHA’s authority over workplace safety, and we have asked the court to stay the mandate. On Nov. 12, the U.S. Court of Appeals for the 5th Circuit reaffirmed its decision to halt the employer mandate as part of a nationwide stay, and OSHA has temporarily suspended its enforcement of the mandate. A final decision will come from the U.S. Court of Appeals for the 6th Circuit, where lawsuits from all states challenging the OSHA mandate have been consolidated into one case.

On Nov. 15, we filed our third lawsuit in the U.S. District Court for the Western District of Louisiana asking for a preliminary injunction against the vaccine mandate for employees working at healthcare facilities that participate in Medicare and Medicaid programs. Georgia providers, particularly those located in rural areas, cannot afford the loss of workers or reduction of services that would result from this mandate.

President Biden imposed these mandates as a shortsighted attempt to force us to comply with a “one-size-fits-most-approach.” The U.S. Constitution gives the power to make public health decisions, such as whether to require vaccines, to the states, not the federal government. Nowhere in our founding documents is the federal government granted the authority to impose this type of widespread public health policy, and any attempt to do so violates our state’s sovereignty. The rule of law matters, and we will continue to protect the rights of our state and our citizens from such reckless actions.



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
Georgia Department of Law  
40 Capitol Square SW

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---

**From:** Simms, Claire <Claire.Simms@FOX.COM>  
**Sent:** Thursday, November 4, 2021 12:04 PM  
**To:** Kara Richardson  
**Subject:** Re: AG Communications Director Introduction

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Hi Kara!

Thanks for reaching out and congratulations on the new position.

I am always looking for stories, so feel free to reach out any time.

Claire  
404-545-6758

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---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Thursday, November 4, 2021 9:40:10 AM  
**To:** Simms, Claire <Claire.Simms@FOX.COM>  
**Subject:** AG Communications Director Introduction

Hi Claire,

I hope you're doing well. I wanted to connect in my new role as Communications Director for Attorney General Chris Carr. To share future inquiries or press opportunities with our office, please reach out via email or cell: 470-421-9944. I look forward to working with you!

All the best,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

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**From:** kmrichardson@law.ga.gov  
**Sent:** Tuesday, November 30, 2021 8:54 AM  
**To:** Claire.Simms@fox.com  
**Subject:** Re: AG Statewide Opioid Task Force Meeting

Hi Claire,

Parking is free (it's a big lot near the old Brand Smart). You'll use the main entrance and look for KSU 400 right as you walk in the door.

We're excited for you to join us!

Kara Richardson  
Communications Director  
Office of the Attorney General  
Chris Carr  
404-458-3225

On Nov 30, 2021, at 8:30 AM, Simms, Claire <Claire.Simms@fox.com> wrote:

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Good morning, Kara!

I will be there. Is there anything I need to know about parking/logistics?

Thanks!

Claire

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---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Tuesday, November 30, 2021 6:48:55 AM  
**To:** Simms, Claire <Claire.Simms@FOX.COM>  
**Subject:** Re: AG Statewide Opioid Task Force Meeting

Good morning!

If you or your team are interested in covering the meeting but are unable to attend in person, here's the link to the stream: <https://ksutv.kennesaw.edu/index.php>. It should go live about 5 minutes before we start.

Thank you!  
Kara

---

**From:** Kara Richardson  
**Sent:** Monday, November 29, 2021 1:25 PM  
**To:** Claire.Simms@FOX.COM  
**Subject:** AG Statewide Opioid Task Force Meeting

Hi Claire,

I hope you're doing well! I wanted to let you know that Attorney General Chris Carr will hold the next meeting of the Statewide Opioid Task Force tomorrow at the KSU Center from 10 AM – 12 PM. The meeting is open to the press and will also be accessible via KSU livestream. I'm happy to send that link to you once it's been made available. Additional details are included below.

Date: Tuesday, Nov. 30  
Location: KSU Center (KC 400) – 3333 Busbee Dr. NW Kennesaw, GA 30144  
Time: 10 AM – 12 PM  
Parking: KSU Center parking lot

If you wouldn't mind, let me know of any questions and if you're interested in attending.

Thank you!  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
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**From:** Russell, Dale <Dale.Russell@FOX.COM>  
**Sent:** Thursday, January 6, 2022 11:36 AM  
**To:** Kara Richardson  
**Subject:** RE: Carr: Former Paulding County District Attorney Enters Guilty Plea

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Thanks. I'm guessing this one went down to the wire.

**Dale Russell**  
Senior I-Team Reporter  
FOX 5 News

Get I-Team Updates on:

Twitter@DaleRussellFox5  
Instagram @dalerussellfox5  
Facebook @Dale Russell Fox 5

---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Thursday, January 6, 2022 11:24 AM  
**To:** Russell, Dale <Dale.Russell@FOX.COM>  
**Subject:** Carr: Former Paulding County District Attorney Enters Guilty Plea

<https://law.georgia.gov/press-releases/2022-01-06/carr-former-paulding-county-district-attorney-enters-guilty-plea>



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
Georgia Department of Law  
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**From:** Simms, Claire <Claire.Simms@FOX.COM>  
**Sent:** Friday, January 14, 2022 10:16 AM  
**To:** Kara Richardson  
**Subject:** Re: Carr: Human Trafficking Prosecution Unit Indicts Four Individuals in Fulton County

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Thank you!

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**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Friday, January 14, 2022 9:00:09 AM  
**To:** Simms, Claire <Claire.Simms@FOX.COM>  
**Subject:** Carr: Human Trafficking Prosecution Unit Indicts Four Individuals in Fulton County

Hi, Claire!

How you're doing well! Wanted to make you aware of the release we just published: <https://law.georgia.gov/press-releases/2022-01-14/carr-human-trafficking-prosecution-unit-indicts-four-individuals-fulton>. The two indictments stem from the case in December (our interview with you). As you may recall, at that point, we had only arrested the four individuals (two couples). They have now been indicted. The charges listed in the release provide greater context on the case.

Let me know of any questions.

Thank you!  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
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**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Sent:** Tuesday, January 18, 2022 7:58 AM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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I will have his hit time at 8:30

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Tuesday, January 18, 2022 7:52 AM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

8:30?

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 18, 2022, at 7:08 AM, Spilman, Deirdre <Deirdre.Spilman@fox.com> wrote:

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Good morning!  
We would like to have him ready ten minutes before his hit time, which I will have around 8:30am ET.

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast

1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Tuesday, January 18, 2022 6:51 AM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Good morning!

Just wanted to double check what time the AG should 1) plan to go live and 2) be set and ready.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 3:59 PM, Spilman, Deirdre <Deirdre.Spilman@fox.com> wrote:

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Yes! I will let you know if there are any topics changes.

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 3:58 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** Re: FBN Cavuto Interview

Sounds good. Thank you, Deirde!

To confirm, should the AG still plan to talk Biden's visit to Georgia, filibuster, voting bill?

---

**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Sent:** Monday, January 17, 2022 3:56 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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Great! I will have details tomorrow morning.

Thanks!

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 3:54 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** Re: FBN Cavuto Interview

9:30 works great!

---

**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Sent:** Monday, January 17, 2022 3:40 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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Would 9:30am ET work for you?

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 2:07 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** Re: FBN Cavuto Interview

His Skype ID is [REDACTED]

His cell is [REDACTED]

He's definitely available for a morning test. What time did you have in mind?

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 12:14 PM, Spilman, Deirdre  
<Deirdre.Spilman@fox.com> wrote:

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Great! I just need his Skype username and cellphone number. Are we able to schedule a test for the morning?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 12:12 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Hi Deirdre,

Skype works best on our end, if you don't mind. And yes, this is the only show we have scheduled for tomorrow.

Thanks!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 11:52 AM, Spilman, Deirdre  
<Deirdre.Spilman@fox.com> wrote:

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Hello,  
Thank you for reaching out, we would love to have him on tomorrow. Will this be via Skype or would you like me to book a studio? Also, can we confirm that he's not scheduled for any other shows tomorrow?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas –  
12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 11:46 AM  
**To:** Fitzgerald, Kevin <kevin.fitzgerald@FOX.COM>  
**Cc:** DeThomasis, Jenna  
<Jenna.DeThomasis@FOX.COM>; Rodriguez, Carolina  
<Carolina.Rodriguez@FOX.COM>; Spilman, Deirdre  
<Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Jenna, Carolina and Deidre,

I wanted to reach out to confirm Attorney General Carr is available tomorrow for a virtual interview during the noon hour. He looks forward to joining the show!

Please let me know of any other info you may need on our end.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 14, 2022, at 4:36 PM,  
Fitzgerald, Kevin  
<kevin.fitzgerald@fox.com> wrote:

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Hi Kara

We are looking forward to having AG Carr join us on Tuesday! As I mentioned I am out of the office and off emails until Monday night. I am looping in our bookers who can help with specifics for Tuesday.

Thanks!  
Kevin

Kevin Fitzgerald  
Associate Producer  
Fox Business - Cavuto: Coast to Coast  
C: 347.387.1192  
Kevin.Fitzgerald@foxnews.com

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---

**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Sent:** Monday, January 17, 2022 3:59 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes! I will let you know if there are any topics changes.

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 3:58 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** Re: FBN Cavuto Interview

Sounds good. Thank you, Deirde!

To confirm, should the AG still plan to talk Biden's visit to Georgia, filibuster, voting bill?

---

**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Sent:** Monday, January 17, 2022 3:56 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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Great! I will have details tomorrow morning.

Thanks!

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor

(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>

**Sent:** Monday, January 17, 2022 3:54 PM

**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>

**Subject:** Re: FBN Cavuto Interview

9:30 works great!

---

**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>

**Sent:** Monday, January 17, 2022 3:40 PM

**To:** Kara Richardson

**Subject:** Re: FBN Cavuto Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Would 9:30am ET work for you?

Deirdre Spilman

Fox Business - Cavuto: Coast to Coast

1211 Avenue of the Americas – 12<sup>th</sup> Floor

(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>

**Sent:** Monday, January 17, 2022 2:07 PM

**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>

**Subject:** Re: FBN Cavuto Interview

His Skype ID is [REDACTED]

His cell is [REDACTED]

He's definitely available for a morning test. What time did you have in mind?

Kara Richardson

Communications Director

Office of the Attorney General

On Jan 17, 2022, at 12:14 PM, Spilman, Deirdre <Deirdre.Spilman@fox.com> wrote:

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Great! I just need his Skype username and cellphone number. Are we able to schedule a test for the morning?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 12:12 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Hi Deirdre,

Skype works best on our end, if you don't mind. And yes, this is the only show we have scheduled for tomorrow.

Thanks!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 11:52 AM, Spilman, Deirdre <Deirdre.Spilman@fox.com> wrote:

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Hello,

Thank you for reaching out, we would love to have him on tomorrow. Will this be via Skype or would you like me to book a studio? Also, can we confirm that he's not scheduled for any other shows tomorrow?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 11:46 AM  
**To:** Fitzgerald, Kevin <kevin.fitzgerald@FOX.COM>  
**Cc:** DeThomasis, Jenna <Jenna.DeThomasis@FOX.COM>; Rodriguez, Carolina <Carolina.Rodriguez@FOX.COM>; Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Jenna, Carolina and Deidre,

I wanted to reach out to confirm Attorney General Carr is available tomorrow for a virtual interview during the noon hour. He looks forward to joining the show!

Please let me know of any other info you may need on our end.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 14, 2022, at 4:36 PM, Fitzgerald, Kevin  
<kevin.fitzgerald@fox.com> wrote:

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Hi Kara

We are looking forward to having AG Carr join us on Tuesday!

As I mentioned I am out of the office and off emails until Monday night. I am looping in our bookers who can help with specifics for Tuesday.

Thanks!  
Kevin

Kevin Fitzgerald  
Associate Producer  
Fox Business - Cavuto: Coast to Coast  
C: 347.387.1192  
Kevin.Fitzgerald@foxnews.com

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---

**From:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Sent:** Monday, January 17, 2022 3:41 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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Would 9:30am ET work for you?

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 2:07 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** Re: FBN Cavuto Interview

His Skype ID is [REDACTED]

His cell is [REDACTED]

He's definitely available for a morning test. What time did you have in mind?

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 12:14 PM, Spilman, Deirdre <Deirdre.Spilman@fox.com> wrote:

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Great! I just need his Skype username and cellphone number. Are we able to schedule a test for the morning?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 12:12 PM  
**To:** Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Hi Deirdre,

Skype works best on our end, if you don't mind. And yes, this is the only show we have scheduled for tomorrow.

Thanks!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 11:52 AM, Spilman, Deirdre <Deirdre.Spilman@fox.com> wrote:

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Hello,  
Thank you for reaching out, we would love to have him on tomorrow. Will this be via Skype or would you like me to book a studio? Also, can we confirm that he's not scheduled for any other shows tomorrow?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, January 17, 2022 11:46 AM  
**To:** Fitzgerald, Kevin <kevin.fitzgerald@FOX.COM>  
**Cc:** DeThomasis, Jenna <Jenna.DeThomasis@FOX.COM>; Rodriguez, Carolina <Carolina.Rodriguez@FOX.COM>; Spilman, Deirdre <Deirdre.Spilman@FOX.COM>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Jenna, Carolina and Deidre,

I wanted to reach out to confirm Attorney General Carr is available tomorrow for a virtual interview during the noon hour. He looks forward to joining the show!

Please let me know of any other info you may need on our end.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 14, 2022, at 4:36 PM, Fitzgerald, Kevin  
<kevin.fitzgerald@fox.com> wrote:

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Hi Kara

We are looking forward to having AG Carr join us on Tuesday!  
As I mentioned I am out of the office and off emails until Monday night. I am looping in our bookers who can help with specifics for Tuesday.

Thanks!  
Kevin

Kevin Fitzgerald  
Associate Producer  
Fox Business - Cavuto: Coast to Coast  
C: 347.387.1192  
Kevin.Fitzgerald@foxnews.com

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---

**From:** kmrichardson@law.ga.gov  
**Sent:** Tuesday, January 18, 2022 9:01 AM  
**To:** Deirdre.Spilman@FOX.COM  
**Subject:** RE: FBN Cavuto Interview

That works great. Thank you, Deirde! We'll have him ready for the 9:30 test and set via skype at 1:05.



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

---

**From:** Spilman, Deirdre [mailto:Deirdre.Spilman@FOX.COM]  
**Sent:** Tuesday, January 18, 2022 8:19 AM  
**To:** Kara Richardson <kmrichardson@law.ga.gov>  
**Subject:** Re: FBN Cavuto Interview

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Hello,

Here are the details for today.

Time: 1:15pmET (we will call on Skype ten minutes prior)

Topic: The Wall Street Journal editorial board called out Senate Majority Leader Chuck Schumer, D-N.Y., Friday for attempting to mislead Americans over certain aspects of Georgia's changed voting rules.

David Asman is in for Neil and the Skype test is scheduled for 9:30amET.

Thank you,

Deirdre Spilman

Fox Business - Cavuto: Coast to Coast

1211 Avenue of the Americas – 12<sup>th</sup> Floor

(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Sent:** Tuesday, January 18, 2022 7:58 AM

**To:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>

**Subject:** Re: FBN Cavuto Interview

I will have his hit time at 8:30

Deirdre Spilman

Fox Business - Cavuto: Coast to Coast

1211 Avenue of the Americas – 12<sup>th</sup> Floor

(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>

**Sent:** Tuesday, January 18, 2022 7:52 AM

**To:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>

**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

8:30?

Kara Richardson

Communications Director

Office of the Attorney General

On Jan 18, 2022, at 7:08 AM, Spilman, Deirdre <[Deirdre.Spilman@fox.com](mailto:Deirdre.Spilman@fox.com)> wrote:

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Good morning!

We would like to have him ready ten minutes before his hit time, which I will have around 8:30am ET.

Thank you,

Deirdre Spilman

Fox Business - Cavuto: Coast to Coast

1211 Avenue of the Americas – 12<sup>th</sup> Floor

(646)-629-4977

[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Tuesday, January 18, 2022 6:51 AM  
**To:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Good morning!

Just wanted to double check what time the AG should 1) plan to go live and 2) be set and ready.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 3:59 PM, Spilman, Deirdre <[Deirdre.Spilman@fox.com](mailto:Deirdre.Spilman@fox.com)> wrote:

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Yes! I will let you know if there are any topics changes.

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Monday, January 17, 2022 3:58 PM  
**To:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Subject:** Re: FBN Cavuto Interview

Sounds good. Thank you, Deirde!

To confirm, should the AG still plan to talk Biden's visit to Georgia, filibuster, voting bill?

---

**From:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Sent:** Monday, January 17, 2022 3:56 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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Great! I will have details tomorrow morning.

Thanks!

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Monday, January 17, 2022 3:54 PM  
**To:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Subject:** Re: FBN Cavuto Interview

9:30 works great!

---

**From:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Sent:** Monday, January 17, 2022 3:40 PM  
**To:** Kara Richardson  
**Subject:** Re: FBN Cavuto Interview

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Would 9:30am ET work for you?

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Monday, January 17, 2022 2:07 PM  
**To:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Subject:** Re: FBN Cavuto Interview

His Skype ID is [REDACTED]

His cell is [REDACTED]

He's definitely available for a morning test. What time did you have in mind?

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 17, 2022, at 12:14 PM, Spilman, Deirdre  
<[Deirdre.Spilman@fox.com](mailto:Deirdre.Spilman@fox.com)> wrote:

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Great! I just need his Skype username and cellphone number. Are we able to schedule a test for the morning?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Monday, January 17, 2022 12:12 PM  
**To:** Spilman, Deirdre <[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Hi Deirdre,

Skype works best on our end, if you don't mind. And yes, this is the only show we have scheduled for tomorrow.

Thanks!

Kara Richardson  
Communications Director

Office of the Attorney General

On Jan 17, 2022, at 11:52 AM, Spilman, Deirdre  
<[Deirdre.Spilman@fox.com](mailto:Deirdre.Spilman@fox.com)> wrote:

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Hello,

Thank you for reaching out, we would love to have him on tomorrow. Will this be via Skype or would you like me to book a studio? Also, can we confirm that he's not scheduled for any other shows tomorrow?

Thank you,

Deirdre Spilman  
Fox Business - Cavuto: Coast to Coast  
1211 Avenue of the Americas – 12<sup>th</sup> Floor  
(646)-629-4977  
[deirdre.spilman@fox.com](mailto:deirdre.spilman@fox.com)



---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Monday, January 17, 2022 11:46 AM  
**To:** Fitzgerald, Kevin <[kevin.fitzgerald@FOX.COM](mailto:kevin.fitzgerald@FOX.COM)>  
**Cc:** DeThomasis, Jenna  
<[Jenna.DeThomasis@FOX.COM](mailto:Jenna.DeThomasis@FOX.COM)>; Rodriguez, Carolina  
<[Carolina.Rodriguez@FOX.COM](mailto:Carolina.Rodriguez@FOX.COM)>; Spilman, Deirdre  
<[Deirdre.Spilman@FOX.COM](mailto:Deirdre.Spilman@FOX.COM)>  
**Subject:** [EXTERNAL] Re: FBN Cavuto Interview

Jenna, Carolina and Deidre,

I wanted to reach out to confirm Attorney General Carr is available tomorrow for a virtual interview during the noon hour. He looks forward to joining the show!

Please let me know of any other info you may need on our end.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General

On Jan 14, 2022, at 4:36 PM,  
Fitzgerald, Kevin  
<[kevin.fitzgerald@fox.com](mailto:kevin.fitzgerald@fox.com)> wrote:

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Hi Kara

We are looking forward to having AG Carr join us on Tuesday! As I mentioned I am out of the office and off emails until Monday night. I am looping in our bookers who can help with specifics for Tuesday.

Thanks!  
Kevin

Kevin Fitzgerald  
Associate Producer  
Fox Business - Cavuto: Coast to Coast  
C: 347.387.1192  
[Kevin.Fitzgerald@foxnews.com](mailto:Kevin.Fitzgerald@foxnews.com)

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**From:** kmrichardson@law.ga.gov  
**Sent:** Monday, November 1, 2021 3:58 PM  
**To:** Dale.Russell@FOX.COM  
**Subject:** RE: Fox 5 Report

Thank you, Dale.

On a side note, it's great to connect with you in my new role as Communications Director. I look forward to working with you!

Best,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

---

**From:** Russell, Dale [mailto:Dale.Russell@FOX.COM]  
**Sent:** Monday, November 1, 2021 12:27 PM  
**To:** Kara Richardson <kmrichardson@law.ga.gov>  
**Subject:** Fox 5 Report

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Kara,

Just a heads up for Chris and anyone who might find this of interest.

Tonight at 10, and tomorrow at 6.

**Dale Russell**  
Senior I-Team Reporter  
FOX 5 News

Get I-Team Updates on:

Twitter@DaleRussellFox5  
Instagram @dalerussellfox5  
Facebook @Dale Russell Fox 5

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**From:** Russell, Dale <Dale.Russell@FOX.COM>  
**Sent:** Wednesday, January 5, 2022 3:32 PM  
**To:** Kara Richardson  
**Subject:** RE: Jim Beck Settlement

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Look forward to it. I'm not covering this, just trying to help my boss. They couldn't find out anything about the case. We have filed a Rule 22 and They plan to send a reporter/photographer tomorrow. If this all goes south, I would like to be able to pass it on.

Always got to keep the boss happy!

**Dale Russell**  
Senior I-Team Reporter  
FOX 5 News

Get I-Team Updates on:

Twitter@DaleRussellFox5  
Instagram @dalerussellfox5  
Facebook @Dale Russell Fox 5

---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Wednesday, January 5, 2022 2:27 PM  
**To:** Russell, Dale <Dale.Russell@FOX.COM>  
**Subject:** RE: Jim Beck Settlement

Hi Dale,

We are unable to comment at this time.

Off the record, I'll check back in with you tomorrow.

Thanks,  
Kara



**Kara Richardson**  
Communications Director  
Office of the Attorney General Chris Carr  
Executive Office  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
Georgia Department of Law  
40 Capitol Square SW

Russell, Dale [<mailto:Dale.Russell@FOX.COM>]

**Sent:** Wednesday, January 5, 2022 11:46 AM  
**To:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Subject:** Re: Jim Beck Settlement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kara,

Is the Donovan plea still set for tomorrow? If so, which judge is handling this?

Thanks and Happy New YEAR.

DALE

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**From:** Kara Richardson <[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)>  
**Sent:** Wednesday, October 20, 2021 1:39:54 PM  
**To:** Russell, Dale <[Dale.Russell@FOX.COM](mailto:Dale.Russell@FOX.COM)>  
**Subject:** FW: Jim Beck Settlement

Hi Dale,

Katie Byrd shared your email with me. I've just this week started in my new role as the communications director for the office, so it's great to connect with you. In regards to your inquiry, we do not have a comment.

Thank you,  
Kara



**Kara Richardson**  
Communications Director  
Office of the Attorney General Chris Carr  
Executive Office  
404-458-3225  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)  
Georgia Department of Law  
40 Capitol Square SW

**From:** "Russell, Dale" <[Dale.Russell@fox.com](mailto:Dale.Russell@fox.com)>

**Date:** October 19, 2021 at 12:02:35 PM EDT

**To:** "Byrd, Katie" <[katie.byrd@georgia.gov](mailto:katie.byrd@georgia.gov)>

**Subject:** Jim Beck Settlement

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Katie,

Hope you are well.

Does Mr. Carr, Laura McDonald, or Matthew O'Brien have any comments on the Jim Beck settlement?

Thanks,

**Dale Russell**

Senior I-Team Reporter

FOX 5 News

Get I-Team Updates on:

Twitter@DaleRussellFox5

Instagram @dalerussellfox5

Facebook @Dale Russell Fox 5

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**From:** kmrichardson@law.ga.gov  
**Sent:** Wednesday, February 9, 2022 10:05 AM  
**To:** katherine.dejong@FOX.COM  
**Subject:** RE: Media Advisory: Gov. Kemp to Attend Anti-Gang Network Meeting

Yes – received. Thank you!



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

---

**From:** DeJong, Katherine [mailto:katherine.dejong@FOX.COM]  
**Sent:** Wednesday, February 9, 2022 9:58 AM  
**To:** Kara Richardson <kmrichardson@law.ga.gov>  
**Subject:** RE: Media Advisory: Gov. Kemp to Attend Anti-Gang Network Meeting

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Good morning,

I wanted to confirm you received our RSVP.

FOX 5 Atlanta plans to be here today.

Thank you,

Katie Kosciolk deJong  
Senior Assignment Editor  
Fox 5 Atlanta  
Work Cell Phone: 404-545-6763  
[Katherine.deJong@fox.com](mailto:Katherine.deJong@fox.com)  
[www.fox5atlanta.com](http://www.fox5atlanta.com)

---

**From:** DeJong, Katherine  
**Sent:** Tuesday, February 8, 2022 3:06 PM

To: [kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)

Subject: RE: Media Advisory: Gov. Kemp to Attend Anti-Gang Network Meeting

Good afternoon Kara,

FOX 5 Atlanta will try to be here tomorrow.

Thank you!

Katie Kosciolk deJong  
Senior Assignment Editor

Fox 5 Atlanta

Work Cell Phone: 404-545-6763

[Katherine.deJong@fox.com](mailto:Katherine.deJong@fox.com)

[www.fox5atlanta.com](http://www.fox5atlanta.com)

---

**From:** Office of Governor Brian P. Kemp [<mailto:press@georgia.gov>]

**Sent:** Tuesday, February 8, 2022 3:02 PM

**To:** DeJong, Katherine <[katherine.dejong@FOX.COM](mailto:katherine.dejong@FOX.COM)>

**Subject:** Media Advisory: Gov. Kemp to Attend Anti-Gang Network Meeting



**For Immediate Release**

Tuesday, February 8, 2022

## **Media Advisory: Gov. Kemp to Attend Anti-Gang Network Meeting**

**Atlanta, GA** – On Wednesday, February 9, Governor Brian P. Kemp and First Lady Marty Kemp will attend a meeting of the Georgia Anti-Gang Network where they will discuss ongoing and new efforts to support law enforcement and other state and local partners in the fight against criminal gang activity in Georgia. They will be able to answer questions for media following the meeting.

**WHO:** Governor Brian P. Kemp, First Lady Marty Kemp, Attorney General Chris Carr, Director Vic Reynolds (GBI), Col. Chris Wright (DPS), Commissioner Timothy Ward (DOC), Commissioner Tyrone Oliver (DJJ), Director Pete Skandalakis (PAC), Chairman Chuck Efstrotation (Georgia House) and other local, state, and federal leaders.

**WHEN:** Wednesday, February 9, at 2:30 PM. Media will be able to record **b-roll** from 2:30-2:40 PM, with a media avail following at 2:45 PM.

**WHERE:** 200 Piedmont Avenue SE, Atlanta, Georgia 30334; 19th Floor, West Tower, Room 1910/01 for b-roll, Room 1916/09 for media avail.

**RSVP:** Media attending must RSVP to Kara Richardson at [kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov) by 9:00 AM, Wednesday, February 9.

---

### **Press Contacts**

Katie Byrd - Director of Communications  
Office of Governor Brian P. Kemp  
[katie.byrd@georgia.gov](mailto:katie.byrd@georgia.gov)

Andrew Isenhour - Deputy Director of Communications  
Office of Governor Brian P. Kemp  
[andrew.isenhour@georgia.gov](mailto:andrew.isenhour@georgia.gov)

Kara Richardson - Director of Communications  
Office of Attorney General Chris Carr  
[kmrichardson@law.ga.gov](mailto:kmrichardson@law.ga.gov)



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**From:** kmrichardson@law.ga.gov  
**Sent:** Thursday, February 10, 2022 1:37 PM  
**To:** Aungelique.Proctor@FOX.COM  
**Subject:** RE: Security

Hi Aungelique,

Since your question pertains to security, I would recommend reaching out to the Georgia Department of Public Safety.

Thank you,  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

---

**From:** Proctor, Aungelique [mailto:Aungelique.Proctor@FOX.COM]  
**Sent:** Thursday, February 10, 2022 12:34 PM  
**To:** Kara Richardson <kmrichardson@law.ga.gov>  
**Subject:** Security

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Fox5 Atlanta is working on a story regarding election security.

Has Atty. GENERAL Chris Carr received any threats?  
Is Sec of State Brad Raffensberger still getting threats? What about  
Gabe Sterling?

Are any state employees getting security right now as a result of threats? When did the security start?

My deadline is 3p.

Thanks,

Aungelique Proctor

Senior Reporter

Fox5 Atlanta

[404 285-5813](tel:4042855813)

@aungeliquefox5- Twitter

Aungelique Proctor -Facebook

aungeliqueproctor-IG

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**From:** Whittler, Alexandria <Alexandria.Whittler@FOX.COM>  
**Sent:** Monday, December 13, 2021 5:24 PM  
**To:** Kara Richardson  
**Subject:** Re: URGENT FOX5 inquiry— Phony vaccine cards sold on Craigslist?

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Thanks for getting back to me, Kara.

Are you, or any other members of Carr's team able to speak with me on camera about the consequences of creating fake vaccination cards?

I just need 5 minutes of your time. (I really just need two sound bites.) I read the April letter and I see it mentions certain sites such as Twitter and eBay-- what about Craigslist?

A Zoom link is below.

Join Zoom Meeting  
<https://us04web.zoom.us/j/6087044869?pwd=aNdnadzyRzY>

Meeting ID: [REDACTED]  
Passcode: [REDACTED]

Thanks!

Alex Whittler  
404-545-6771  
FOX5 Atlanta Anchor/ Reporter  
[Twitter](#) | [Instagram](#) | [Facebook](#)

---

**From:** Kara Richardson <kmrichardson@law.ga.gov>  
**Sent:** Monday, December 13, 2021 5:18 PM  
**To:** Whittler, Alexandria  
**Subject:** Re: URGENT FOX5 inquiry— Phony vaccine cards sold on Craigslist?

Hi Alex,

On background, our office has not received reports of fake vaccine cards at this time. We joined with our states and signed this letter to social media platforms earlier this year: <https://law.georgia.gov/press-releases/2021-04-01/carr-fights-unlawful-sales-fake-vaccination-cards>.

Unfortunately, the Attorney General does not have any availability this afternoon but we do appreciate the request.

Please let me know of any other questions.

Thank you!

Kara Richardson  
Communications Director  
Office of the Attorney General  
Chris Carr  
404-458-3225

On Dec 13, 2021, at 3:10 PM, Whittler, Alexandria <Alexandria.Whittler@fox.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

Alex Whittler from FOX5 here. I'm following up on an inquiry I sent a couple hours ago. I understand the AG's office investigates fake vaccine cards. We received a tip about them being sold on Craigslist and we're curious as to if it's on your radar.

**I am working on a deadline and need this information before 6:30pm at the latest. Are any of you available this afternoon any time between 3:30 and 6:30 pm to discuss the consequences of selling/ buying phony vaccine cards? We can do this in person or via zoom, whichever you prefer.**

If you can't do an interview, a statement would be helpful. Attached you'll find the "ad" someone sent us, for what it's worth.

Thanks!

Alex Whittler  
404-545-6771  
FOX5 Atlanta Anchor/ Reporter  
[Twitter](#) | [Instagram](#) | [Facebook](#)



Thanks!

Alex Whittler  
404-545-6771  
FOX5 Atlanta Anchor/ Reporter  
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## Jotonna Tulloch

---

**From:** kmrichardson@law.ga.gov  
**Sent:** Tuesday, December 7, 2021 5:07 PM  
**To:** Claire.Simms@FOX.COM  
**Subject:** Federal Contractors Vaccine Mandate  
**Attachments:** Order Granting Pl.pdf

Hi Claire,

I wanted to reach out regarding today's issuance of a nationwide preliminary injunction that temporarily stops the federal government from enforcing the vaccine mandate for federal contractors. As you may be aware, Georgia led the multi-state coalition that brought this lawsuit to the U.S. District Court for the Southern District of Georgia (Augusta Division).

If interested, I wanted to offer the following comment to be attributed to Attorney General Chris Carr:

*"As the lead state for this case, we are very pleased that the court has issued a nationwide preliminary injunction. This decision protects Georgians from the Biden administration's unlawful vaccine mandate, and we will continue to stand up for the rule of law until it has been stopped permanently."*

I've also attached a copy of the order as filed by the court.

Thank you!  
Kara



**Kara Richardson**  
**Communications Director**  
**Office of the Attorney General Chris Carr**  
**Executive Office**  
404-458-3225  
kmrichardson@law.ga.gov  
Georgia Department of Law  
40 Capitol Square SW

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

THE STATE OF GEORGIA, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as  
President of the United States, et al.,

Defendants.

CIVIL ACTION NO.: 1:21-cv-163

**ORDER**

Plaintiffs, comprised of the States of Georgia, Alabama, Idaho, Kansas, South Carolina, Utah and West Virginia; the governors of several of those states; and various state agencies, including the Board of Regents of the University System of Georgia, filed this suit seeking declaratory and injunctive relief against enforcement of Executive Order 14042, which requires, *inter alia*, that contractors and subcontractors performing work on certain federal contracts ensure that their employees and others working in connection with the federal contracts are fully vaccinated against COVID-19. (Docs. 1, 54.) Upon filing the lawsuit, Plaintiffs requested that this Court issue a preliminary injunction. (Docs. 19, 55.) Additionally, Associated Builders and Contractors, Inc. (hereinafter, “ABC”), a trade organization, and one of its chapters, Associated Builders and Contractors of Georgia, Inc. (hereinafter, “ABC-Georgia”), (hereinafter, collectively, “Proposed Intervenors”) filed a Motion to Intervene in the action, (doc. 48), and also filed their own Motion for Preliminary Injunction, (doc. 50). The Court established an expedited briefing schedule and, following the submission of responses by the Defendants to all motions, (docs. 61,

63), and the submission of replies by Plaintiffs and by the Proposed Intervenors, (docs. 76–78), the Court conducted a hearing on the Motions on December 3, 2021.

As another Court that has preliminarily enjoined the same measure at issue in this case has stated, “[t]his case is not about whether vaccines are effective. They are.” Kentucky v. Biden, No. 3:21-cv-55, 2021 WL 5587446, at \*9 (E.D. Ky. Nov. 30, 2021). Moreover, the Court acknowledges the tragic toll that the COVID-19 pandemic has wrought throughout the nation and the globe. However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities. Indeed, the United States Supreme Court has recognized that, while the public indisputably “has a strong interest in combating the spread of [COVID-19],” that interest does not permit the government to “act unlawfully even in pursuit of desirable ends.” Ala. Ass’n of Realtors v. HHS, 141 S. Ct. 2485, 2490 (2021) (citing Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 582, 585–86 (1952)). In this case, Plaintiffs will likely succeed in their claim that the President exceeded the authorization given to him by Congress through the Federal Property and Administrative Services Act when issuing Executive Order 14042. Accordingly, after due consideration of the motions, supporting briefs, responsive briefing, and the evidence and argument presented at the hearing,<sup>1</sup> the Court **GRANTS IN PART and DENIES IN PART** the Motion to Intervene, (doc. 48), **GRANTS** ABC’s Motion for Preliminary Injunction, (doc. 50), and **GRANTS** Plaintiffs’ Amended Motion for Preliminary Injunction, (doc. 55).

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<sup>1</sup> On December 2, 2021, the American Medical Association, which is not a party to this case, was granted leave of Court to file an *amicus curiae* brief in opposition to Plaintiffs’ Amended Motion for Preliminary Injunction. (Doc. 86.)

## BACKGROUND

On January 20, 2021, President Biden signed Executive Order 13991, establishing the “Safer Federal Workforce Task Force” (hereinafter, the “Task Force”). 86 Fed. Reg. 7,045–48 (Jan. 20, 2021). The Task Force’s stated mission is to “provide ongoing guidance to heads of agencies on the operation of the Federal Government, the safety of its employees, and the continuity of Government functions during the COVID-19 pandemic.” Id. at 7,046.

On September 9, 2021, President Biden signed Executive Order 14042 (hereinafter, “EO 14042”). 86 Fed. Reg. 50,985–88 (Sept. 9, 2021). Therein, the President stated that his order would “promote[] economy and efficiency in Federal procurement by ensuring that the parties that contract with the Federal Government provide adequate COVID-19 safeguards to their workers performing on or in connection with a Federal Government contract or contract-like instrument,” which would “decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at sites where they are performing work for the Federal Government.” Id. at § 1. EO 14042 mandated that the Task Force provide, by September 24, 2021, guidance regarding “adequate COVID-19 safeguards,” which must be complied with by federal contractors and subcontractors. Id. at 50,985. This executive order specified that the Task Force’s guidance would be mandatory at all “contractor or subcontractor workplace locations” so long as the Director of the Office of Management and Budget (hereinafter, the “OMB”) approved the guidance and determined that it would “promote economy and efficiency in Federal contracting.” Id. EO 14042 states that it applies, with some specified exceptions, to “any new contract; new contract-like instrument; new solicitation for a contract or contract-like instrument;

extension or renewal of an existing contract or contract-like instrument; and exercise of an option on an existing contract or contract-like instrument.” Id.

On September 24, the Task Force issued its Guidance for Federal Contractors and Subcontractors (hereinafter, the “Task Force Guidance”) pursuant to EO 14042. See Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, available at

[https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc\\_20210922.pdf](https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf) (last visited Dec. 4, 2021). The Task Force Guidance requires all “covered contractors”<sup>2</sup> to be fully vaccinated by January 18, 2022,<sup>3</sup> unless they are “legally entitled to an accommodation.” Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Updated November 10, 2021), at p. 5, available at [https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors\\_Safer%20Federal%20Workforce%20Task%20Force\\_20211110.pdf](https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors_Safer%20Federal%20Workforce%20Task%20Force_20211110.pdf) (last visited December 4, 2021). The Task Force Guidance applies to all “newly awarded covered contract[s]” at any

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<sup>2</sup> “Covered contractor” means “a prime contractor or subcontractor at any tier who is party to a covered contract.” Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, at p. 3.

<sup>3</sup> While the initial Task Force Guidance announced a deadline of December 8, 2021, on November 10, 2021, an updated version was issued which pushed the deadline for full vaccination to January 18, 2022. See Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Updated November 10, 2021), available at [https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors\\_Safer%20Federal%20Workforce%20Task%20Force\\_20211110.pdf](https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors_Safer%20Federal%20Workforce%20Task%20Force_20211110.pdf) (last visited December 4, 2021). This means that covered contractors’ employees would need to receive their Johnson & Johnson vaccine or the second dose of a Pfizer or Moderna vaccine by January 4 to be fully vaccinated by the deadline. See The White House, Fact Sheet: Biden Administration Announces Details of Two Major Vaccination Policies, <https://www.whitehouse.gov/briefing-room/statementsreleases/2021/11/04/fact-sheet-biden-administration-announces-details-of-two-major-vaccination-policies/> (last visited Dec. 4, 2021).

location where covered contract employees work and it covers “any full-time or part-time employee of a covered contractor working on or in connection with a covered contract or working at a covered contractor workplace.” Id. at pp. 3–5.

On September 28, the Director of the OMB issued a notice of her determination “that compliance by [f]ederal contractors and subcontractors with the COVID-19 workplace safety protocols detailed in th[e] [Task Force G]uidance will improve economy and efficiency by reducing absenteeism and decreasing labor costs for contractors and subcontractors working on or in connection with a Federal Government contract.” 86 Fed. Reg. 53,691–92.

In order to implement the policies and requirements it established, EO 14042 directed the Federal Acquisition Regulatory Council (hereinafter, the “FAR Council”) to “amend the Federal Acquisition Regulation to provide for inclusion in Federal procurement solicitations and contracts subject to this order [a] clause” requiring compliance with the Task Force Guidance (including the vaccination requirements). 86 Fed. Reg. 50,986. The Federal Acquisition Regulation (hereinafter, the “FAR”) is the set of policies and procedures that governs the drafting and procurement processes of contracts for all executive agencies; it also contains standard solicitation provisions and contract clauses. See United States General Services Administration, Federal Acquisition Regulation (FAR), <https://www.gsa.gov/policy-regulations/regulations/federal-acquisition-regulation-far> (last visited Dec. 4, 2021).

On September 30, 2021, the FAR Council issued a memo to various agencies, providing direction on when and how to use the new clause, (hereinafter, the “FAR Memo”). See FAR Council Guidance, <https://www.whitehouse.gov/wp-content/uploads/2021/09/FAR-Council-Guidance-on-Agency-Issuance-of-Deviations-to-Implement-EO-14042.pdf> (last visited Dec. 4,

2021). The FAR Memo explains that EO 14042 directed the FAR Council to “develop a contract clause requiring contractors and subcontractors . . . to comply with [the Task Force Guidance] and to provide initial policy direction to acquisition offices for use of the clause by recommending that agencies exercise their authority under FAR subpart 1.4, Deviations from the FAR.” *Id.* at p. 2. According to the FAR Memo, “[t]he FAR Council has opened a case (FAR Case 2021-021, Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors) to make appropriate amendments in the FAR to reflect the requirements of [EO 14042],” *id.* at p. 3, and it has “developed [a] clause”—which it included as an attachment to the memo—“pursuant to section 3(a) of the order to support agencies in meeting the applicability requirements and deadlines set forth in [EO 14042],” *id.* at p. 2. The attachment is entitled “FAR Deviation Clause . . . [52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors . . .],” and it states, *inter alia*:

*(c) Compliance.* The Contractor shall comply with all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of this contract, for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force (Task Force Guidance) at <https://www.saferfederalworkforce.gov/contractors/>.

*(d) Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (d), in subcontracts at any tier that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas.

*Id.* at pp. 4–5. The FAR Memo lists the types of solicitations and contracts in which the agencies “are *required* to include” the new clause, *id.* at p. 2 (emphasis added), but it also states that, “[t]o maximize the goal of getting more people vaccinated and decrease the spread of COVID-19, the Task Force *strongly encourages* agencies to apply the requirements of its guidance broadly,

consistent with applicable law, by including the clause in” other types of contracts that are not otherwise covered by EO 14042, id. at p. 3 (emphasis added).

Plaintiffs filed their Complaint initiating this action on October 29, 2021, (doc. 1), and they filed their initial Motion for Preliminary Injunction on November 5, 2021, (doc. 19). On November 10, 2021, the OMB Director issued a revised Determination that (1) revoked the prior OMB Determination; (2) provided additional reasoning and support for how the Task Force Guidance will promote economy and efficiency in government contracting; (3) gave covered contractors additional time to comply with the vaccination requirement; and (4) provided a public comment period through December 16, 2021. See 86 Fed. Reg. 63,418. In light of the revised OMB Determination, Plaintiffs filed an Amended Complaint, (doc. 54), and an Amended Motion for Preliminary Injunction, (doc. 55). Meanwhile, the Proposed Intervenors filed their Motion to Intervene as Plaintiffs, (doc. 48), and their Motion for Preliminary Injunction, (doc. 50). All parties were given an opportunity to file responsive briefs and to present evidence and argument during the hearing on December 3, 2021.

During the hearing, Plaintiffs presented testimony from representatives of three universities within the University System of Georgia: Augusta University, Georgia Institute of Technology (hereinafter, “Georgia Tech”), and the University of Georgia (hereinafter, “UGA”). (See also doc. 55-12, p. 4 (these three institutions’ federal contracts generated approximately \$736,968,899.00 in revenue in fiscal year 2021).) These witnesses each testified generally about their respective research institution’s participation in and reliance on federal contracting, and they provided data regarding the number of employees who work on federal contracts at their institution and the amount of funds received by their institution as a result of its various federal contracts.

(See, e.g., Transcript of Dec. 3, 2021 Hearing (hereinafter, “Tr.”), pp. 22–27 (testimony of Michael Shannon, Vice President and Deputy Chief Business Officer at Georgia Tech, that Georgia Tech has roughly 16,000 employees who work on contracts with the Department of Defense, the Department of Commerce, the Department of Transportation, the Department of Health and Human Services, the National Aeronautics and Space Administration (hereinafter “NASA”), the Centers for Disease Control, and other agencies, and, in fiscal year 2021, it received approximately \$664 million in federal contracts, which constitutes approximately 68% of its externally sponsored revenue); id. at pp. 67–70 (testimony of Jason Guilbeault, Director of Post-Award Services at Augusta University, that his institution receives over \$17 million per year on federal contracts, which represents about 10% of its total sponsored programs funding, and that it has roughly 5,802 employees working on federal contracts, which represents about 95% of its workforce); id. at p. 93 (testimony of Sige Burden, Senior Managing Director for Workforce Engagement at UGA, that UGA has 14,728 employees working on or in connection with federal contracts.) They also each provided even more detailed testimony about the laborious undertakings they have had to perform to comply with the mandate, particularly with the impending January 18 deadline. (See, e.g., id. at pp. 24–27 (testimony of Shannon that Georgia Tech had to “shift a tremendous amount of resources” in order to build a “team comprised of [members of the] information technology [department], [the human resources department], . . . medical and health services folks, [Georgia Tech’s] legal team, [and its] emergency services folks” to “very, very rapidly” work to “create something that didn’t exist”—a portal to “marry [human resources] data and medical data together”); id. at pp. 70 (testimony of Guilbeault about the data analytics he performed to identify the wide variety of employees who are covered by the mandate, and the software program he has

helped implement to permit employees to log in and enter their vaccination information and a scan of their vaccine card or to log in and submit questions.) Finally, they testified to having a number of employees who have not yet provided proof they are vaccinated or are in the process of becoming vaccinated, and the concern it causes them that many employees will ultimately decline to be vaccinated, meaning the institution will ultimately be non-compliant and may lose valuable employees. (See, e.g., *id.* at pp. 30–33 (about 20% of Georgia Tech’s employees who may be covered have not provided proof they are vaccinated); *id.* at pp. 71–72 (about 39% of Augusta State employees who may be covered have not provided proof); *id.* at pp. 92–93 (fewer than half of the University of Georgia’s employees who may be covered have provided proof of vaccination).) The Court, which heard testimony from each of these witnesses about their background and job experience and was able to observe them during both direct and cross-examination, found these witnesses to be credible.

## LEGAL AUTHORITY & DISCUSSION

### I. Motion to Intervene

Pursuant to Federal Rule of Civil Procedure 24(a)(2), a party is permitted to intervene as of right if (1) its application to intervene is timely; (2) it has an interest relating to the property or transaction which is the subject of the action; (3) it is so situated that disposition of the action, as a practical matter, may impede or impair its ability to protect that interest; and (4) its interest is represented inadequately by the existing parties to the suit. Tech. Training Assocs., Inc. v. Buccaneers Ltd. P’ship, 874 F.3d 692, 695–96 (11th Cir. 2017). Where a party is not entitled to intervene as of right, subsection (b) of Federal Rule of Civil Procedure 24 gives a court discretion to nonetheless permit the party to intervene, on timely motion, “when a statute of the United States

confers a conditional right to intervene,” or “when [the] applicant’s claim or defense and the main action have a question of law or fact in common.” Fed. R. Civ. P. 24(b). Accordingly, when there is no right to intervene under Rule 24(a), it is wholly within the Court’s discretion to allow permissive intervention under Rule 24(b). Worlds v. Dep’t of Health & Rehab. Servs., 929 F.2d 591, 595 (11th Cir. 1991). Subsection (b) of Rule 24 instructs only that the Court must “consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3).

First, the Court finds that ABC, a trade organization representing tens of thousands of contractors and subcontractors that regularly bid on and work on federal contracts for services, (doc. 49-1, pp. 2–3), has an interest relating to the transaction which is the subject of the action. See N.Y. Pub. Interest Research Grp. v. Regents of Univ. of N.Y., 516 F.2d 350, 352 (2d Cir. 1975) (intervening organizations may properly assert the interests of their members). That interest is described in detail in Discussion Section II, infra, where the Court explains its conclusion that ABC has standing. Next, the Court finds that ABC’s ability to protect its interests would be impaired without intervention. In ABC’s own words, “in the event that the Proposed Intervenor cannot intervene[,] and this Court issues an adverse decision, the Proposed Intervenor will have no further recourse” and its members will have to comply with EO 14042, (doc. 49, p. 16), which—as explained throughout this Order—the Court finds costly, laborious and likely to result in a reduction in available members of the workforce. See Huff v. Comm’r of IRS, 743 F.3d 790, 800 (11th Cir. 2014) (“All that is required under Rule 24(a)(2) is that the would-be intervenor be practically disadvantaged by his exclusion from the proceedings.”). Additionally, the Motion to Intervene was timely. ABC filed its Motion to Intervene roughly twenty days after Plaintiffs filed

suit and prior to any substantive decisions having been made by the Court. At the time the Motion to Intervene was filed, Defendants had not yet responded (or been required to respond) to any substantive requests for relief in the case. Indeed, the day after ABC filed its Motion to Intervene, Plaintiffs filed their Amended Complaint (and Amended Motion for Preliminary Injunction), superseding their prior pleadings. Finally, the Court finds that ABC's interests are represented inadequately by the existing Plaintiffs. ABC represents private entities, many of whom are considered small businesses, while the Plaintiffs are all governmental officials, entities, and agencies. ABC seeks to assert a claim for violation of the Small Business Regulatory Enforcement Fairness Act, which the existing Plaintiffs have not asserted (and may not be able to assert even if they desired to do so). (See doc. 48-1, p. 40.) Additionally, the evidence presented to the Court indicates that ABC's members generally bid on and perform different types of contracts as compared to the wider-ranging types of contracts the Plaintiffs typically bid on and perform, and Plaintiffs and ABC also have different administrative systems and costs when it comes to managing their employees and workforce. Accordingly, ABC's members (as private entities) have economic interests and concerns that differ from those of the Plaintiffs.<sup>4</sup> See, e.g., Kleissler v. United States Forest Serv., 157 F.3d 964, 973–74 (3d Cir. 1988) (“[T]he government represents numerous complex and conflicting interests in matters of this nature. The straightforward business interests asserted by intervenors here may become lost in the thicket of sometimes inconsistent governmental policies.”); W. Energy Alliance v. Zinke, 877 F.3d 1157, 1168 (10th Cir. 2017)

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<sup>4</sup> As a specific example, one differing interest and strategy that was readily apparent during oral argument concerned the scope of any preliminary injunction. The existing Plaintiffs indicated they would be satisfied if the Court issued a preliminary injunction only effective in Georgia, Alabama, Idaho, Kansas, South Carolina, Utah and West Virginia, while ABC, whose members work on contracts throughout the country, urged that any preliminary injunction would need to be nationwide in order to afford it adequate relief.

(“Also, we have held that the government cannot adequately represent the interests of a private intervenor and the interests of the public.”).

ABC-Georgia, however, has failed to show that it has standing to bring the claims it seeks to assert in its proposed complaint. No evidence was presented to show that any specific member of the chapter would have standing (i.e., no evidence was presented showing that any member regularly bids on or performs contracts that would be covered under EO 14042, much less that any member wishes to bid on any upcoming contracts that would be covered by EO 14042 but believes it cannot feasibly do so due to the vaccine requirement).

In light of the foregoing, the Court finds that ABC is entitled to intervene as of right in this case pursuant to Federal Rule of Civil Procedure 24(a). Even if it were not permitted to intervene as of right, the Court would exercise its discretion pursuant to subsection (b) of Rule 24 to permit it to intervene because, for the reasons described above, its claims and the main action “have a question of law or fact in common,” Fed. R. Civ. P. 24(b), and its intervention will not result in any undue delay or prejudice to the adjudication of the original parties’ rights. The Court, however, finds that ABC-Georgia lacks standing to assert its claims and thus is not entitled to intervene. Accordingly, the Court **GRANTS IN PART and DENIES IN PART** the Motion to Intervene. (Doc. 48.)

## **II. Standing**

“[The] standing doctrine . . . requir[es] plaintiffs to ‘alleg[e] such a personal stake in the outcome of the controversy as to . . . justify [the] exercise of the court’s remedial powers on [their] behalf.’” Town of Chester, N.Y. v. Laroe Estates, Inc., 137 S. Ct. 1645, 1650 (2017) (quoting Simon v. E. Ky. Welfare Rights Org., 426 U.S. 26, 38 (1976)). To establish Article III standing a

plaintiff must show that it: “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” Spokeo v. Robins, 578 U.S. 330, 338 (2016).

Defendants have focused much of their standing challenge on arguing that Plaintiffs have not “provide[d] [any] evidence that they are (1) parties to a federal contract that already has the challenged clause; or (2) parties to an existing covered contract that is up for an option, extension, or renewal that must include the clause,” and that they have not “identif[ied] any specific, covered solicitations that they plan to bid on or contracts that they plan to enter into in the immediate future.” (Doc. 63, p. 3.) Notably, however, prior to the hearing, Plaintiffs filed the “Supplemental Declaration of Michael Shannon,” which shows that Georgia Tech is a finalist in response to a solicitation, in excess of \$250,000, issued by NASA. (Hearing Exhibit (hereinafter, “Exh.”) P-22 (also available at doc. 76-1).) According to the Declaration (and as confirmed during Mr. Shannon’s live testimony at the hearing and supported by exhibits to his Supplemental Declaration), in October 2021, “the solicitation was amended to include Federal Acquisition Regulation (FAR) clause 52.223-99” and “Georgia Tech was required to agree to FAR clause 52.223-99 to maintain its eligibility for the contract award pursuant to the NASA solicitation.” (Id.; see also Tr., pp. 23–24, 43) Accordingly, Plaintiff Board of Regents of the University System of Georgia has standing because it has shown that one of its institutions (Georgia Tech) is a finalist for a contract with NASA and it has been advised that, if it is awarded the contract, the at-issue clause must be included in the contract.<sup>5</sup>

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<sup>5</sup> At the hearing, counsel for Defendants conceded that this bestows at least limited standing to certain Plaintiff(s), but she argued that the standing is “limited to that particular contract.” (Tr., pp. 17–18.)

Additionally, ABC, which the Court permits, through this Order, to intervene as a Plaintiff, has standing. An organization may sue “on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” Greater Birmingham Ministries v. Sec’y of Ala., 992 F.3d 1299 (11th Cir. 2021). ABC, a construction industry trade association, has provided sworn declarations showing that at least two of its members “intended to bid” on specified upcoming federal construction projects, but, following EO 14042, have concluded that it is not practical for them to do so because they likely will not have sufficient employees to perform the job if they enter into a contract that requires all of the covered employees to be vaccinated. (See Exh. ABC-3 (declaration of President of McKelvey Mechanical, Inc., explaining that his company, which is a member of ABC, “traditionally bids many federal projects per year and usually performs 4–6 per year,” but a majority of his employees are not vaccinated and many unvaccinated employees have stated that they will quit if they are required to be vaccinated); see also Exh. ABC-2 (declaration of Executive Vice President of Cajun Industries Holdings, LLC, explaining that there are “a number of forthcoming solicitations by the Army for construction projects of the type that Cajun would normally bid upon and perform, and which [it] desire[s] to bid for” but because the projects would fall under EO 14042, it will likely be unable to bid because it has reason to believe that many of its unvaccinated workers (over half its total workforce) will quit if they are required to be vaccinated).) ABC also provided evidence—using information gathered from the General Services Administration’s Website for federal contracts—that the federal government frequently and routinely issues solicitations and pre-solicitations for bids on

construction contracts (which ABC’s members would normally bid on and be qualified to perform) that would be covered by EO 14042. (Exh. ABC-4.) Coupling that evidence with the sworn testimony provided by ABC, the Court finds that ABC has members that would otherwise have standing to sue in their own right. The Court also concludes that, as a trade association for thousands of contractors, the interests ABC seeks to protect in this lawsuit are germane to its purpose. The Court also finds that neither the claims asserted nor the relief requested (declaratory and injunctive relief) require the participation of individual members in the lawsuit. Greater Birmingham Ministries, 992 F.3d at 1316 n.29 (“[P]rospective relief weigh[s] in favor of finding that associational standing exists.”). Accordingly, ABC has standing.

It is well-established that, where there are multiple parties petitioning for injunctive relief, “[o]nly one petitioner needs to have standing to authorize review.” Massachusetts v. E. P.A., 549 U.S. 497, 498 (2007); see also Town of Chester, 137 S. Ct. at 1650. Here, two parties petitioning for declaratory and injunctive relief (ABC and the Board of Regents of the University System of Georgia) have standing; accordingly, Defendants’ challenge to the lawsuit on this ground fails.

Even without these showings about specific bids and/or contracts, the Court would be inclined to find that Article III standing exists based on the ample evidence (including declarations and live testimony presented at the hearing) showing that the State Plaintiffs (including many of their agencies) and members of ABC (as described in the preceding paragraph) routinely enter into contracts that would be covered by EO 14042,<sup>6</sup> have current contracts that could easily fall under

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<sup>6</sup> According to the Declaration of Bill Anderson, the President and CEO of ABC’s Georgia chapter, “[a]ccording to recent data posted on the government website [www.usaspending.gov](http://www.usaspending.gov), ABC member general contractors compose a crucial segment of the construction industry’s federal contracting base as ABC members won 57% of the \$118 billion in direct federal U.S. construction contracts exceeding \$25 million

the requirements of EO 14042 (if, for instance, they are renewed, modified, or have options that are exercised), and have shown that they would typically continue to seek out contract opportunities with the federal government that now will be covered by EO 14042. (See, e.g., doc. 55-6 (University of Idaho has federal contracts totaling approximately \$22 million per year, based on average of last three years); doc. 55-10 (Utah Department of Health has federal contracts totaling \$811,000); doc. 55-14 (Alabama Department of Agriculture and Industries has federal contracts and has leased land to the United States Department of Agriculture continuously for the past 26 years).) See Adarand Contractors, Inc. v. Pena, 515 U.S. 200, 211 (1995) (When a claim involves a challenge to a future contracting opportunity, the pertinent question for determining whether an alleged injury is sufficiently imminent is whether Plaintiffs “ha[ve] made an adequate showing that sometime in the relatively near future [they] will bid on another Government contract [of the type at issue in the case].”).

Based on all the foregoing, the Court concludes that Plaintiffs have standing. The Court addresses the parties’ debate over whether Plaintiffs have shown a sufficient injury-in-fact at length in Discussion Section III.C, infra, and, for the reasons provided therein, concludes that a sufficient injury has been shown.

### **III. Motions for Preliminary Injunction**

#### **A. Standard of Review**

To be entitled to a preliminary injunction, Plaintiffs must show: (1) a substantial likelihood of ultimate success on the merits; (2) an injunction or protective order is necessary to prevent

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awarded during fiscal years 2009–2020.” (Doc. 49-1, p. 4 (citing USASpending.gov data (accessed Dec. 22, 2020) cross-referenced with ABC membership).)

irreparable injury; (3) the threatened injury outweighs the harm the injunction would inflict on the non-movant; and (4) the injunction or protective order would not be adverse to the public interest. Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225–26 (11th Cir. 2005). In the Eleventh Circuit, an “injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly established the ‘burden of persuasion’ as to the four requisites.” Horton v. City of Augustine, 272 F.3d 1318, 1326 (11th Cir. 2001). If a plaintiff succeeds in making such a showing, then “the court may grant injunctive relief, but the relief must be no broader than necessary to remedy the constitutional violation.” Newman v. Alabama, 683 F.2d 1312, 1319 (11th Cir. 1982).

**B. Likelihood of Success on the Merits**

The likelihood of success on the merits is generally considered the most important of the four factors. Garcia-Mir v. Meese, 781 F.2d 1450, 1453 (11th Cir. 1986). If Plaintiffs cannot satisfy their burden with respect to this factor, the Court need not consider the other three factors. GeorgiaCarry.Org, Inc. v. U.S. Army Corps of Eng’rs, 788 F.3d 1318, 1329 (11th Cir. 2015). Although Plaintiffs raise multiple claims against Defendants, Plaintiffs need only show a substantial likelihood of success on the merits on one claim. See Schiavo, 357 F. Supp. 2d at 1383, *aff’d* 403 F.3d 1223 (11th Cir. 2005) (noting that “[t]o obtain temporary injunctive relief, [the plaintiffs] must show a substantial likelihood of success on at least one claim”).

**1. Whether the Procurement Act Authorized the President to Issue EO 14042**

The President expressly relied on the Federal Property and Administrative Services Act, 40 U.S.C. § 101 et seq. (hereinafter, the “Procurement Act”), for his authority to issue EO 14042 “in order to promote economy and efficiency in procurement by contracting with sources that provide adequate COVID-19 safeguards for their workforce.” 86 Fed. Reg. 50,985–88. The

Procurement Act was “designed to centralize Government property management and to introduce into the public procurement process the same flexibility that characterizes such transactions in the private sector. These goals can be found in the terms ‘economy’ and ‘efficiency’ which appear in the statute and dominate the sparse record of the congressional deliberations.” Am. Fed’n of Labor and Congress of Indus. Orgs. v. Kahn, 618 F.2d 784, 787–88 (D.C. Cir. 1979).<sup>7</sup> In Khan, the Court of Appeals for the District of Columbia Circuit examined the history of and apparent congressional intent behind the Procurement Act, and stated its belief that, “by emphasizing the leadership role of the President in setting Government-wide procurement policy on matters common to all agencies, Congress intended that the President play a direct and active part in supervising the Government’s management functions.” Id. at 788. The court acknowledged that, “To define the President’s powers under Section 205(a) [(40 U.S.C. § 121(a))], some content must be injected into the general phrases ‘not inconsistent with’ the [Procurement Act] and ‘to effectuate the provisions’ of the Act.” Id. After considering the Procurement Act’s emphasis on promoting “economy” and “efficiency” and ensuring contracts are awarded on terms that are “most advantageous to the Government, price and other factors considered,” the Kahn court stated that the Procurement Act “grants the President particularly direct and broad-ranging authority over those larger administrative and management issues that involve the Government as a whole. And that direct presidential authority should be used in order to achieve a flexible management system capable of making sophisticated judgments in pursuit of economy and efficiency.” Id. at 789.

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<sup>7</sup> The Court has been unable to find—and the parties have not pointed to—any relevant case law from the Court of Appeals for the Eleventh Circuit grappling with the scope of the authority granted to the President in the Procurement Act.

While the Procurement Act explicitly and unquestionably bestows some authority upon the President, the Court is unconvinced, at this stage of the litigation, that it authorized him to direct the type of actions by agencies that are contained in EO 14042. Pursuant to clear United States Supreme Court precedent, Congress is expected to “speak clearly” when authorizing the exercise of powers of “vast economic and political significance.” Ala. Ass’n of Realtors v. HHS, 141 S. Ct. 2485, 2489 (2021) (quotations omitted); see also Utility Air Regul. Grp. v. E.P.A., 573 U.S. 302, 324 (2014). The Court has already described in detail the extreme economic burden the Plaintiffs have suffered and will continue to suffer in endeavoring to comply with EO 14042 (not to mention the impediment it will likely pose to some Plaintiffs’ (in particular, ABC’s members’) ability to continue to perform federal contract work). Additionally, the direct impact of EO 14042 goes beyond the administration and management of procurement and contracting; in its practical application (requiring a significant number of individuals across the country working in a broad range of positions and in numerous different industries to be vaccinated or face a serious risk of losing their job), it operates as a regulation of public health. It will also have a major impact on the economy at large, as it limits contractors’ and members of the workforce’s ability to perform work on federal contracts. Accordingly, it appears to have vast economic and political significance.

The issue, then, is whether Congress, through the Procurement Act, has “clearly” authorized the President to issue the directives contained in EO 14042, or whether, instead, EO 14042 “bring[s] about an enormous and transformative expansion in . . . regulatory authority without clear congressional authorization,” Utility Air Regul. Grp., 573 U.S. at 324. Looking to the Kahn court for guidance, the Court considers whether EO 14042 fits within Congress’s grant

to the President, through the Procurement Act, of “particularly direct and broad-ranging authority over those larger *administrative and management issues* . . . that . . . should be used in order *to achieve a flexible management system* capable of making sophisticated judgments in pursuit of economy and efficiency.” Kahn, 618 F.2d at 789 (emphases added). The Court finds that Plaintiffs have a likelihood of proving that Congress, through the language it used, did not clearly authorize the President to issue the kind of mandate contained in EO 14042, as EO 14042 goes far beyond addressing administrative and management issues in order to promote efficiency and economy in procurement and contracting, and instead, in application, works as a regulation of public health,<sup>8</sup> which is not clearly authorized under the Procurement Act.<sup>9</sup>

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<sup>8</sup> During oral argument, counsel for Defendants urged that vaccine mandates are needed in order to “efficiently manage our way out of this pandemic.” (Tr., p. 153.) However, the issue here is far more nuanced and requires a finding that *Congress* clearly gave the *President* authority to require all individuals who work on or in connection with a federal contract (valued over \$250,000) to be fully vaccinated against COVID-19.

<sup>9</sup> The Court acknowledges that, one day prior to the entry of this Order, the Eleventh Circuit Court of Appeals issued an opinion, in a separate case, refusing to preliminarily enjoin enforcement of an interim rule issued by the Secretary of Health and Human Services requiring facilities that provide health care to Medicare and Medicaid beneficiaries to ensure that their staff are fully vaccinated against COVID-19. See Florida v. Dep’t of Health and Human Servs., No. 21-14098-JJ, 2021 WL 5768796, at \*1 (11th Cir. Dec. 6, 2021), available at . Defendants in this case notified the Court that the Florida opinion “supplements their merits arguments” (though they neglected to elaborate as to how), but the Court finds the case at hand to be materially different, in numerous ways, from the case before the Eleventh Circuit. First, in the Florida opinion, the court addressed very different statutory and regulatory schemes, the Medicare and Medicaid statutes and the regulations governing conditions for facilities to participate in those programs. Id. at \*1–2. Nothing in the Florida case bears on whether the President is authorized, under his authority pursuant to the Procurement Act, to require private companies that enter into federal contracts to, in turn, require virtually all of their employees to be vaccinated. Additionally, in the Florida case and unlike in the case at hand, the challenged directive is similar to the authorizing statutes, because they “both directly relate to efforts to prevent the spread of disease at facilities treating Medicare or Medicaid patients to protect the health and safety of those patients.” Id. at \*13; see also id. at \*1–2 (“For both the Medicare and Medicaid programs, Congress charged the Secretary with ensuring that participating facilities protect the health and safety of their patients,” and the at-issue interim rule issued by the Secretary “amend[ed] the infection-control regulations for facilities that participate in Medicare or Medicaid . . . [to] require[] that facilities certified to participate in Medicare or Medicaid ensure their staff are fully vaccinated against COVID-19, unless an employee is exempt . . .”). By contrast, here, while EO 14042 relates to efforts to prevent the spread of disease in any place an individual is working on or in connection with a federal contract, the at-issue claimed authorizing statute relates to the President’s authority to take actions to “achieve a flexible

Even if, however, EO 14042 did not trigger the specific requirement that Congress “speak clearly” in authorizing the challenged executive action, the Court additionally finds that Plaintiffs have a likelihood of proving that EO 14042 does not have a sufficient nexus to the purposes of the Procurement Act and thus does not fall within the authority actually granted to the President in that Act.

For essentially the same reasons recited in the preceding subsection, the Court finds that the directives contained within EO 14042 were not authorized by the Procurement Act. Defendants claim that, “[t]o anyone who has lived through the COVID-19 pandemic and its resulting economic turmoil, the nexus between reducing the spread of COVID-19 and economy and efficiency is self-evident.” (Doc. 63, p. 16.) They emphasize EO 14042’s explanation that “[the] safeguards [in the Task Force Guidance] will decrease the spread of COVID-19, which will decrease work absence, reduce labor costs, and improve the efficiency of contractors and subcontractors” and they argue that this “easily satisfies [the] lenient standard” of a sufficiently close nexus between the executive order and the purpose of the Procurement Act. (*Id.* (quoting 86 Fed. Reg. 50,985–88).) Defendants are correct that the President has typically been afforded deference when courts review executive orders issued pursuant to the Procurement Act. *See, e.g., Chamber of Com. v. Reich*, 74 F.3d 1322, 1333 (D.C. Cir. 1996) (“The President’s authority to pursue ‘efficient and economic’ procurement . . . certainly reach[es] beyond any narrow concept

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management system capable of making sophisticated judgments in pursuit of economy and efficiency” in government procurement and contracting, *see Kahn*, 618 F.2d at 789. Put simply, the authorizing statute in the *Florida* case authorized the executive to implement a health and safety measure while the relied upon statute in this case does not. The differing results in this case, the *Florida* case, and other cases challenging governmental actions to address the COVID-19 pandemic underscore the point that the focus of these cases is not on the effectiveness of vaccines and other measures but rather the legality of the Government’s actions.

of efficiency and economy in procurement.”) (collecting examples). However, that deference was expressly *not* intended to operate as “a blank check for the President to fill in at his will.” Kahn, 618 F.2d at 793. The President’s directives still must be “*reasonably* related” to the purposes of the Procurement Act, Liberty Mut. Ins. Co. v. Friedman, 639 F.2d 164, 170 (4th Cir. 1981) (emphasis added), and Defendants have not cited to a case upholding the use of the Procurement Act “to promulgate such a wide and sweeping public health regulation as mandatory vaccination for all federal contractors and subcontractors,” Kentucky v. Biden, 2021 WL 5587446, at \*9. Nor have Defendants cited to a case upholding some action or requirement undertaken pursuant to the Procurement Act that the Court finds analogous to the mandates in EO 14042. While the Court is aware of cases where courts have held that a variety of types of executive orders were authorized under the Procurement Act, none have involved measures aimed at public health and none have involved the level of burdens implicated by EO 14042, which has already required and will continue to require extensive and costly administrative work by employers and will force at least some individuals to choose between getting medical treatment that they do not want or losing their job (and facing limited job replacement options due to the mandate). Cf. UAW-Labor Emp. & Training Corp. v. Chao, 325 F.3d 360, 366–67 (D.C. Cir. 2003) (sufficiently close nexus between Procurement Act and executive order requiring federal contractors to post notices at all of their facilities informing employees of rights under federal labor law that protect employees from being forced to join a union or to pay mandatory dues for costs unrelated to representational activities); Kahn, 618 F.2d at 786–87 (sufficiently close nexus between Procurement Act and executive order that required certain federal contractors to comply with wage and price controls). Following the Defendants’ logic and reasoning, the Procurement Act would be construed to give the President

the right to impose virtually any kind of requirement on businesses that wish to contract with the Government (and, thereby, on those businesses' employees) so long as he determines it could lead to a healthier and thus more efficient workforce or it could reduce absenteeism. Simply put, EO 14042's directives and resulting impact radiate too far beyond the purposes of the Procurement Act and the authority it grants to the President. Accordingly, the Court concludes, based on the limited record before it, that Plaintiffs are more likely than Defendants to succeed on the issue of whether there is a sufficiently close nexus between EO 14042 and the purposes of the Procurement Act.

## **2. Other Grounds Upon Which Plaintiffs Challenge EO 14042**

In further support of their request for a preliminary injunction, Plaintiffs also claim that Defendants issued the Task Force Guidance and the FAR Deviation Clause, which they claim constitute final agency action, without complying with the Administrative Procedure Act's notice-and-comment requirements. (Doc. 55, pp. 17–22.) The Court declines to wade into this issue given its determination that Plaintiffs have a likelihood of success on the merits on other grounds.

Additionally, Plaintiffs allege that, if the Procurement Act does indeed authorize the directives issued in EO 14042, then the Procurement Act and EO 14042 are unconstitutional under the non-delegation doctrine and because they exceed Congress's authority and intrude on state sovereignty. This Court need not and does not issue any determination as to those challenges to resolve the motions before it. However, it is worth noting that other Courts have either expressed agreement with or at least concern about these arguments, *see, e.g., BST Holdings, LLC v. Occupational Safety and Health Admin.*, 17 F.4th 604, 616–18 (5th Cir. 2021); *Kentucky*, 2021 WL 5587446, at \*9.

**C. Irreparable Injury Requirement**

In order to satisfy the irreparable injury requirement, a party must show that the threat of injury is “neither remote nor speculative, but actual and imminent.” Ne. Fla. Chapter of Ass’n of Gen. Contractors of Am. v. City of Jacksonville, 896 F.2d 1283, 1285 (11th Cir. 1990) (quoting Tucker Anthony Realty Corp. v. Schlesinger, 888 F.2d 969, 973 (2d Cir. 1989)); see also Church v. City of Huntsville, 30 F.3d 1332, 1337 (11th Cir. 1994) (In order to obtain injunctive relief, a plaintiff must show “a real and immediate—as opposed to a merely conjectural or hypothetical—threat of future injury.”).

Defendants argue that losing contracts would not be irreparable harm—because there are administrative processes through which Plaintiffs can seek to challenge the contractual provision and to recover losses on contracts—and they claim that Plaintiffs have not “demonstrated that the compliance costs they claim to have incurred are in fact tied to such contracts.” (Doc. 63, p. 4.) As referenced previously in this Order, the Court heard from three witnesses who described the incredibly time-consuming processes they have undertaken (typically requiring major input and assistance from numerous other departments across their institution) to identify the employees covered by the mandate and to implement software and technology to ensure that those employees have been fully vaccinated (or have requested and been granted an accommodation or exemption) by the deadline in January. Not only must Plaintiffs ensure that their own employees satisfy the mandate, but they also must require that any subcontractors’ employees working on or in connection with a covered contract are in compliance. The declarations of representatives of ABC members Cajun Contracting and McKelvey show similar administrative burdens and costs—though on a smaller scale. (See Exhs. ABC-2, ABC-3.) Moreover, “complying with a regulation

later held invalid almost always produces the irreparable harm of nonrecoverable compliance.” BST Holdings, 17 F.4th at 618 (citing Texas v. EPA, 829 F.3d 405, 433 (5th Cir. 2016)). The Court finds that the time and effort spent on these measures in the past—and going forward—constitute compliance costs resulting from EO 14042, which appear to be irreparable. See id. (“[T]he companies seeking a stay in this case will also be irreparably harmed in the absence of a stay, whether by the business and financial effects of a lost or suspended employee, compliance and monitoring costs associated with the Mandate, [or] the diversion of resources necessitated by the Mandate . . . .”); see also Odebrecht Constr., Inc. v. Sec’y, Fla. Dep’t of Transp., 715 F.3d at 1289 (“[N]umerous courts have held that the inability to recover monetary damages . . . renders the harm suffered irreparable.”).

**D. Balancing of the Harms**

Defendants contend that, even assuming Plaintiffs have shown a risk of irreparable injury, no injunction should issue because more harm would result from enjoining EO 14042 and further delaying the vaccination of the thousands of currently-unvaccinated individuals working on federal contracts (thereby permitting the continued spread of COVID-19). The Court disagrees. Enjoining EO 14042 would, essentially, do nothing more than maintain the status quo; entities will still be free to encourage their employees to get vaccinated, and the employees will still be free to choose to be vaccinated. In contrast, declining to issue a preliminary injunction would force Plaintiffs to comply with the mandate, requiring them to make decisions which would significantly alter their ability to perform federal contract work which is critical to their operations. Indeed, it appears that not granting an injunction could imperil the financial viability of many of ABC’s members. Additionally, requiring compliance with EO 14042 would likely be life altering for many of

Plaintiffs' employees as Plaintiffs would be required to decide whether an employee who refuses to be vaccinated can, in practicality, be reassigned to another office or another task or whether the employee instead must be terminated. "[A]ny abstract 'harm' a stay might cause . . . pales in comparison and importance to the harms the absence of a stay threatens to cause countless individuals and companies." BST Holdings, 17 F.4th at 618. Accordingly, the Court finds that the balancing of the harms weighs heavily in favor of enjoining the enforcement of EO 14042.

**E. Public Interest**

"For similar reasons, a stay is firmly in the public interest. From economic uncertainty to workplace strife, the mere specter of [EO 14042] has contributed to untold economic upheaval in recent months" and "the principles at stake when it comes to [EO 14042] are not reducible to dollars and cents." Id. at 619.

**F. Scope of Injunctive Relief**

The Court now must determine the appropriate scope of the injunctive relief. Generally, the Court treads lightly when issuing injunctive relief and resists the entry of "universal" or "nationwide" injunctions, and recognizes the need to "allow legal questions to percolate through the federal court system," Kentucky, 2021 WL 5587446, at \*14 (citing Trump v. Hawaii, 138 S. Ct. 2392, 2424 (2018) (Thomas, J., concurring) and Dep't of Homeland Sec. v. New York, 140 S. Ct. 599, 600 (2020) (Gorsuch, J., concurring)). While the original Plaintiffs to this case are (or are based in) a limited number of states, the Court has, in this Order, permitted ABC, a trade association with members "all over the country," (doc. 50-1, p. 3), to intervene as a Plaintiff. Not only is the geographic scope of ABC's membership broad, their involvement in federal contracts is as well. As noted above, they were awarded 57% of federal contracts exceeding \$25 million

during fiscal years 2009–2020. Accordingly, if the Court were to enjoin the enforcement of the mandate only in the Southern District of Georgia or only in Georgia, Alabama, Idaho, Kansas, South Carolina, Utah and West Virginia, then ABC’s members would not have injunctive relief as to covered contracts in other states.<sup>10</sup> Furthermore, given the breadth of ABC’s membership, the number of contracts Plaintiffs will be involved with, and the fact that EO 14042 applies to subcontractors and others, limiting the relief to only those before the Court would prove unwieldy and would only cause more confusion. Thus, on the unique facts before it, the Court finds it necessary, in order to truly afford injunctive relief to the parties before it, to issue an injunction with nationwide applicability.

### CONCLUSION

In light of the foregoing, the Court **GRANTS IN PART and DENIES IN PART** the Motion to Intervene, (doc. 48), **GRANTS** ABC’s Motion for Preliminary Injunction, (doc. 50), and **GRANTS** Plaintiffs’ Amended Motion for Preliminary Injunction, (doc. 55).<sup>11</sup> Accordingly, the Court **ORDERS** that Defendants are **ENJOINED**, during the pendency of this action or until further order of this Court, from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in any state or territory of the United States of America. The Court further **DIRECTS** the Clerk of Court to **UPDATE** the docket to reflect the addition of Associated Builders and Contractors, Inc., as a Plaintiff in this case. Because the proposed

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<sup>10</sup> The Court is mindful of the fact that at least some of ABC’s members are already able to benefit from the injunctive relief recently afforded by the District Court for the Eastern District of Kentucky as to covered contracts in Kentucky, Ohio, and Tennessee. See Kentucky, 2021 WL 5587446, at \*14.

<sup>11</sup> Plaintiffs’ initial Motion for Preliminary Injunction, which was superseded by the Amended Motion for Preliminary Injunction that they later filed, is **DENIED AS MOOT**. (Doc. 19.)

Complaint filed on the docket includes ABC-Georgia (which has not been allowed to intervene) as a plaintiff, the Court **ORDERS** Associated Builders and Contractors, Inc., to file a revised version of its Complaint within **SEVEN (7) DAYS**.

**SO ORDERED**, this 7th day of December, 2021.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is stylized and cursive.

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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA