



January 22, 2024

VIA EMAIL

Cascade County Attorney's Office
121 4th Street N, Suite 2A
Great Falls, MT 59401
jblack@cascadecountymt.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. §§ 2-6-1001 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records in a timely manner:

All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (a) County Clerk and Recorder Sandra Merchant and (b) any of the external individuals or entities listed below, including, but not limited to, at the suggested email addresses or domains.

In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

Please provide all responsive records from June 1, 2023, through the date the search is conducted.

External Individuals & Entities:

1. Anyone communicating from an email address ending in eip-ca.com
2. Catherine Engelbrecht, or anyone communicating from an email address ending in truethetvote.org or truethetvote.com
3. David Clements (davidkclements13@protonmail.com, dkc@theprofessorsrecord.com)
4. Doug Frank (drdouglassgrank@protonmail.com, drdouglassgrank@outlook.com)
5. Erin Clements (née Hughs) (erin.hughs@yahoo.com)
6. Jeff O'Donnell (theloneraccoon@protonmail.com)



7. Kurt Olsen (kurtols@protonmail.com, ko@olsenlawpc.com)
8. Lisa “Draza” Smith (drazasmith@protonmail.com, drazasmith@gmail.com), or anyone communicating from an email address ending in ordros.com
9. Michele Replogle (micrep@protonmail.com, micrep@pm.me, causeofamerica@protonmail.com), and/or anyone communicating from an email address ending in @causeofamerica.org
10. Mike Lindell, or anyone communicating from an email address ending in @mypillow.com or @frankspeech.com
11. Phill Kline (phillklineva@gmail.com)
12. Seth Keshel (skeshel@protonmail.com, skeshel@gmail.com)
13. Shawn Smith (luftsas@gmail.com, ratioinvictus@protonmail.com)
14. Tim Griffin, or anyone communicating from an email address ending in thomasmoresociety.org
15. Conservative Partnership Institute (cpi.org or conservativepartnership.org)
16. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com, bradleyfdn.org, freedomworks.org)
17. Jim Hoft (Midwestjim@charter.net) or anyone communicating on behalf of The Gateway Pundit (thegatewaypundit.com)
18. Jay Valentine (jay@contingencysales.com) or anyone communicating on behalf of Omega4America (omega4america.com, contingencysales.com, or jayvalentine.com, electionwatch.info)
19. Election Integrity Network (electionintegrity.network)
20. Anyone communicating from an email address ending in EagleAI.pro
21. Rick Richards (drr@cathaid.com, drr@EagleAI.pro, drronline@me.com)
22. John Richards (johnrichards@eagleai.pro)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Sandra Merchant received a mass-distribution news clip email from an address ending in gatewaypundit.com, that initial email would not be responsive to this request. However, if she forwarded that email to another listed individual with her own commentary, that subsequent message would be responsive to this request and should be produced.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, including appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp,

Signal, or Twitter.com direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public

website and promotes their availability on social media platforms, such as Facebook and Twitter.com.¹

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

¹ American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 22, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Jan. 22, 2024).