



February 29, 2024

VIA EMAIL

Jaclyn Klintoe, University Records Director
University of Nebraska
1400 R Street
Lincoln, NE 68588
jklintoe@nebraska.edu

Re: Public Records Statute Request

Dear Record Custodian:

Pursuant to the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within four business days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the University of Nebraska Medical Center (UNMC) officials listed below and (b) any of the external entities listed below regarding the implementation or enforcement of state law restricting gender-affirming medical care.

UNMC Officials:

- a. Dr. Jeffrey P. Gold, Chancellor
- b. Anne Bowen Fischer
- c. Dr. Chris Kratochvil
- d. Dr. Kenneth Bayles
- e. Robert Bartee
- f. Emiliano Lerda
- g. Barbara Bartle

External Entities:

- i. Attorney General Mike Hilgers, Chief Deputy Attorney General Dave Bydalek, Chief of Staff Joshua Shasserre, Director of Communications Suzanne Gage, or anyone else communicating on behalf of the Nebraska Office of the Attorney General
- ii. Governor Jim Pillen, Chief of Staff Dave Lopez, General Counsel Maureen Larsen, Director of the Policy Research Office Kenny Zoeller, or anyone else communicating on behalf of the Nebraska Office of the Governor



- iii. Chief Executive Officer Steve Corsi, Chief Medical Officer Timothy Tesmer, Chief Legal Officer Bo Botelho, or anyone else communicating on behalf of the Nebraska Department of Health and Human Services
- iv. Secretary Heather Cramer, Professional Boards Chair Russell Crotty, Rules & Regulations Chair Jaime Dodge, or anyone else communicating on behalf of the Nebraska State Board of Health

For this request, American Oversight believes that records containing the search terms below are likely to be responsive records, and American Oversight requests that your office, at a minimum, employ these search terms to identify responsive records.

Search Terms:

- a. “biological sex”
- b. “gender affirming”
- c. “gender-affirming”
- d. “gender dysphoria”
- e. “gender identity”
- f. “gender reassignment”
- g. “gender transition”
- h. “LB 574”
- i. “Legislative Bill 574”
- j. “Let Them Grow”
- k. “sex reassignment”
- l. “Trans”
- m. LGBTQ
- n. Transgender
- o. Hormon*
- p. Puberty block*

American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “Puberty block*” would return all of the following: puberty blocker, puberty blockers, puberty blocking, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

Please note that American Oversight does not seek, and this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if a specific individual received a mass-distribution news clip containing the term “biological sex,” that initial email would not be responsive to this request. However, if that specific individual forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

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

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee. Pursuant to Neb. Rev. Stat. § 84-712(3)(b), we further request that any fees are limited to the actual costs and exclude fees for search time in excess of four hours.

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, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- 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.¹ 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

¹ Neb. Rev. Stat. § 84-712.06.

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.²

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 Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 28, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 28, 2024).