



March 12, 2024

VIA EMAIL

Nebraska Attorney General's Office
2115 State Capitol
PO Box 98920
Lincoln, NE 68509
ago.info.help@nebraska.gov

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 records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, handwritten or electronic notes taken during oral communications, summaries of oral communications, or other materials) between (a) Attorney General Mike Hilgers, including anyone communicating on his behalf such as a Chief of Staff, executive assistant, or scheduler, and (b) the external individuals and entities listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains) and (c) containing any of the key terms listed below.

1. Tennessee Attorney General Jonathan Skrmetti and/or anyone communicating on behalf of the Office of the Tennessee Attorney General (ag.tn.gov)
2. Alabama Attorney General Steve Marshall and/or anyone communicating on behalf of the Office of the Alabama Attorney General (ago.alabama.gov)
3. Virginia Attorney General Jason Miyares and/or anyone communicating on behalf of the Office of the Virginia Attorney General (oag.state.va.us)
4. Iowa Attorney General Brenna Bird and/or anyone communicating on behalf of the Office of the Iowa Attorney General (ag.iowa.gov)
5. Kansas Attorney General Kris Kobach and/or anyone communicating on behalf of the Office of the Kansas Attorney General (ag.ks.gov)



6. Former Louisiana Attorney General Jeff Landry, Former Louisiana Attorney General Liz Murrill, and/or anyone communicating on behalf of the Office of the Louisiana Attorney General (ag.louisiana.gov)
7. Mississippi Attorney General Lynn Fitch and/or anyone communicating on behalf of the Office of the Mississippi Attorney General (ago.state.ms.us)
8. Montana Attorney General Austin Knudsen and/or anyone communicating on behalf of the Office of the Montana Attorney General
9. Florida Attorney General Ashley Moody and/or anyone communicating on behalf of the Office of the Florida Attorney General (myfloridalegal.com)
10. Ohio Attorney General Dave Yost and/or anyone communicating on behalf of the Office of the Ohio Attorney General (ohioattorneygeneral.gov)
11. Utah Attorney General Sean Reyes and/or anyone communicating on behalf of the Office of the Utah Attorney General (agutah.gov)
12. West Virginia Attorney General Patrick Morrissey and/or anyone communicating on behalf of the Office of the West Virginia Attorney General (wvago.gov)

Key Terms

- a. Leo
- b. Schwalb
- c. “Virginia nonprofit entities”
- d. Concord
- e. “Rule of Law Trust”
- f. RLT
- g. “85 Fund”
- h. “internal affairs doctrine”
- i. Wellspring
- j. “Freedom and Opportunity Fund”
- k. “Marble Freedom Trust”
- l. “CRC Advisors”
- m. “BH Group”
- n. Corkery
- o. Arabella
- p. “Campaign for Accountability”

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 forwarding such emails are responsive to this request. In other words, for example, if Attorney General Hilgers received a mass-distribution news clip email from one of the specified Attorneys General offices, that initial email would not be responsive to this request. However, if Attorney General Hilgers forwarded that email to another individual with his

own commentary, that subsequent message would be responsive to this request and should be produced.

American Oversight requests that full text message threads/conversations be produced. In other words, if Attorney General Hilgers sent or received a text message containing any of the key terms listed above, the complete thread/conversation for 24 hours before/after the key term appears should be produced, and not just the message containing the key term.

For both parts of this request, please provide all responsive records from August 15, 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. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, 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.
- 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. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- 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 efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. 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

¹ Neb. Rev. Stat. § 84-712.06.

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 Mar. 12, 2024); American

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

Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Mar. 12, 2024).