



March 12, 2024

**VIA EMAIL**

Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
[foia@oag.state.va.us](mailto:foia@oag.state.va.us)

**Re: Virginia Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Anisha Hindocha, a resident of Virginia, make the following request for records.

**Requested Records**

I request that the Office of the Attorney General produce the following records within five working days:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by officials from the Office of the Attorney General listed below containing the key terms listed below.

Office of the Attorney General Officials:

- I. Chief Deputy Attorney General Chuck Slep
- II. Chief of Staff Darrell "D.J." Jordan, Jr.
- III. Chief of External Affairs and Policy Klare Kilgore
- IV. Solicitor General Andrew Ferguson
- V. Anyone serving in the capacity of assistant, executive assistant, or scheduler to Attorney General Jason Miyares, or any of the custodians listed above

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”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, I have limited part 1 of my request to emails sent by the listed officials. However, I still request that complete email chains be produced, displaying both sent and received messages. This means that both Chief of Staff Jordan’s response to an email containing a specified key term and the initial received message are responsive to this request and should be produced.

2. 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 and electronic notes taken during any oral communications, summaries of oral communications) between (a) officials from the Office of the Attorney General listed above in part 1 and (b) the external individuals and entities also 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 above in part 1.
  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. Florida Attorney General Ashley Moody and/or anyone communicating on behalf of the Office of the Florida Attorney General (myfloridalegal.com)
  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. Nebraska Attorney General Mike Hilgers and/or anyone communicating on behalf of the Office of the Nebraska Attorney General
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)

Please note that I do not seek, and part 2 of 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 Chief of Staff Jordan 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 Chief of Staff Jordan forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

I request that full text message threads/conversations be produced. For example, if Chief of Staff Jordan 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 me 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, I provide 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. I 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.
- My 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 this request, this 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 me, please do not hesitate to reach out to my representative at the contact information listed below. I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we 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 to the address listed below. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

## **Conclusion**

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact Elizabeth Haddix at [records@americanoversight.org](mailto:records@americanoversight.org) or (252) 359-7424 ext. 1031.

Sincerely,

/s/ Anisha Hindocha

Anisha Hindocha