



April 12, 2024

**VIA EMAIL**

Public Records Request  
Nebraska Governor's Office  
P.O. Box 94848  
Lincoln, NE 68509  
[GOV.PublicRecords@nebraska.gov](mailto:GOV.PublicRecords@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 the Nebraska Governor's Office produce the following records within four business days:

All text messages and messages on messaging platforms—such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, Parler, Microsoft Teams, or Facebook Messenger—including complete message threads or conversations sent or received by any of the Nebraska Governor's Office officials listed below—and containing any of the following key terms, also listed below.

**Nebraska Governor's Office Officials:**

- a. Governor Jim Pillen
- b. Anyone communicating on Governor Pillen's behalf such as a secretary, assistant, or scheduler
- c. Chief of Staff David Lopez
- d. General Counsel Maureen Larsen
- e. Director of Communications Laura Strimple

**Key Terms:**

- a. "Electoral College"
- b. Trump
- c. "Turning Point"
- d. TPUSA
- e. Winner
- f. WTA
- g. "Electoral Vote"
- h. Lippincott
- i. Brewer
- j. Slama



- k. "Presidential Election"
- l. 764
- m. Kirk

To be clear, American Oversight requests that full message threads/conversations be produced. For example, if Governor Pillen sent or received a text message or message on a messaging platform containing any of the key terms listed above, the complete thread/conversation for 24 hours before/after the key term appears should be produced, not just the message containing the key term.

**Please provide all responsive records from April 2, 2024, 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 of any kind. 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.<sup>1</sup> 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

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<sup>1</sup> Neb. Rev. Stat. § 84-712.06.

website and promotes their availability on social media platforms, such as Facebook and Twitter.com.<sup>2</sup>

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](mailto:records@americanoversight.org) or 202.919.6303.

Sincerely,

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

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,300 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 10, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Apr. 10, 2024).