



January 15, 2025

**VIA EMAIL**

FOIA Request  
West Virginia University  
105 Stewart Hall  
P.O. Box 6204  
Morgantown, WV 26506  
[foia@mail.wvu.edu](mailto:foia@mail.wvu.edu)

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

Dear Records Custodian:

Pursuant to the West Virginia Freedom of Information Act, W. Va. Code § 29B-1-1 et seq., American Oversight makes the following request for copies of records.

**Requested Records**

American Oversight requests that your office produce the following records within five business days:<sup>1</sup>

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Dr. Byron C. Calhoun, Professor of Obstetrics and Gynecology, and (b) the external entities and individuals listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains).

External Entities and Individuals:

- a. Alliance Defending Freedom ([adflegal.org](http://adflegal.org))
- b. Alliance for Hippocratic Medicine ([allianceforhippocraticmedicine.org](http://allianceforhippocraticmedicine.org))
- c. American Association of Pro-Life Obstetricians and Gynecologists ([aaplog.org](http://aaplog.org))
- d. American College of Pediatricians ([acpeds.org](http://acpeds.org))
- e. American Principles Project ([americanprinciplesproject.org](http://americanprinciplesproject.org))
- f. Americans United for Life ([aul.org](http://aul.org))
- g. Catholic Medical Association ([cathmed.org](http://cathmed.org))
- h. Charlotte Lozier Institute ([lozierinstitute.org](http://lozierinstitute.org))
- i. Christian Medical & Dental Associations ([cmda.org](http://cmda.org))
- j. Concerned Women for America ([concernedwomen.org](http://concernedwomen.org) or [cwfa.org](http://cwfa.org))

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<sup>1</sup> W. Va. Code § 29B-1-3(d) (requiring custodian to furnish requested records “as soon as practicable but within a maximum of five days not including Saturdays, Sundays or legal holidays.”).



- k. David Reardon
- l. Do No Harm (donoharmmedicine.org)
- m. Elliot Institute ([elliottinstitute@gmail.com](mailto:elliottinstitute@gmail.com))
- n. Ethics and Public Policy Center (eppc.org)
- o. Family Policy Alliance (familypolicyalliance.com)
- p. Family Research Council (frc.org or frcaction.org)
- q. Independent Women's Forum (iwf.org)
- r. James Studnicki ([jstudnic11@gmail.com](mailto:jstudnic11@gmail.com))
- s. National Institute of Family and Life Advocates (nifla.org)
- t. National Right to Life Committee (nrlc.org)
- u. Students for Life of America (studentsforlife.org or studentsforlifeaction.org)
- v. Susan B. Anthony Pro-Life America (sbapro-life.org)

Please note that American Oversight does not seek, and that part 1 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. For example, if Dr. Calhoun received a mass-distribution news clip email from a listed external entity or individual, that initial email would not be responsive to this request. However, if he forwarded that email with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Dr. Byron C. Calhoun, Professor of Obstetrics and Gynecology and containing any of the key terms listed below.

Key Terms:

- a. "AAPLOG"
- b. "AHM"
- c. "Alliance for Hippocratic Medicine"
- d. "pro choice"
- e. "pro life"
- f. "pro-choice"
- g. "Pro-choice"
- h. "pro-life"
- i. "SBA List"
- j. Dannenfels
- k. Kacsmayk
- l. Lozier
- m. NIFLA
- n. Prolife
- o. Skop
- p. Unborn

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has

limited part 2 of its request to emails sent by Dr. Calhoun. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. For example, both Dr. Calhoun's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

**For both parts of this request, 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 fees.

### **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:

- 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.<sup>2</sup> 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>3</sup> If a request is denied in whole, please state specifically whether 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.

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<sup>2</sup> See W. Va. Code § 29B-1-2(5) (defining a “public record” to include “any writing containing information prepared or received by a public body” that “relates to the conduct of the public’s business.”).

<sup>3</sup> See *Farley v. Worley*, 215 W. Va. 412, 424, 599 S.E.2d 835, 847 (2004) (holding that a public body must redact or segregate exempt from non-exempt information contained within a responsive record, absent a written justification explaining that such segregation or redaction would impose an unreasonably high burden or expense).

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 X (formerly Twitter).<sup>4</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 Jess Myers at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 897-3914.

Sincerely,

*/s/ Jess Myers*

Jess Myers  
on behalf of  
American Oversight

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<sup>4</sup> American Oversight currently has approximately 16,000 followers on Facebook and 97,900 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 8, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Jan. 8, 2024).