

From: John Klar [REDACTED] >
Sent: Thursday, March 19, 2020 9:01 PM
To: Clark, Charity <Charity.Clark@vermont.gov>
Subject: Re: Vermont Public Records Act request

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If they are exempt and excluded, why would your office quote me a fee to see them? Might as well quote me an infinite copy request fee for future litigation, ad infinitum.

Seems like I have your cake and charge for it too -- of course I don't desire to pay for documents I can't view. Please provide the cost of providing documents that can be provided relating to H 57 and Proposal 5. Governor Scott retained docs under attorney-client and executive privilege without identifying the quantity thereof -- he didn't offer to charge me for them while withholding them. It is silly to have included cost estimates for documents that are exempt from provision, don't you agree? And are you including Proposal 5 as ongoing litigation?

Please provide the cost estimate for documents that *will* be provided, together with a separate cost estimate for those that you assert cannot be. As the pleadings of all litigation are public, I request that your office identify the case names of the "current litigation" to which you refer. That way I can request those currently-withheld documents at the conclusion of those matters, separate from this request. I surmise that this poses yet another conflict of interest -- AG Donovan says he is "saving the public money" by charging for documents -- how much public money is he spending for our attorneys to fight for Planned Parenthood in Missouri?

Thanks,

John

On Thu, Mar 19, 2020 at 5:13 PM Clark, Charity <Charity.Clark@vermont.gov> wrote:

Hi, John,

I have spoken to the attorney who has handled the litigation matters I mentioned. Potentially responsive documents involve *ongoing* litigation, not litigation that has concluded. That means that they are exempt from the Public Records Act until the litigation concludes pursuant to [1 V.S.A. § 317\(c\)\(14\)](#). In other words, you would be paying for an attorney to locate, review, and catalog documents that you would not be able to receive. If you are looking to lower the cost and receive records, I recommend that we provide you with an estimate for documents during the proposed timeframe that deal with concluded litigation and Act 57.

Please let me know how you would like to proceed.

Charity