

**From:** Matthew D. Hardin <[MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)>  
**Sent:** Monday, May 18, 2020 11:11 AM  
**To:** Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>  
**Subject:** Re: Vermont Public Records Act Request

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Dear Mr. Diamond,

I write, on behalf of my client Energy Policy Advocates, to appeal a denial of access to public records pursuant to 1 V.S.A. § 318 (c)(1). Please see below the response letter provided by Mr. Persampieri on behalf of the Office of the Attorney General. The response is dated April 27, 2020, and relates to a request OAG received on April 13, 2020. Specifically, Energy Policy Advocates appeals only the denial of "thirty-five withheld records consist[ing] of communications among Attorney General's offices of multiple states, including Vermont, regarding issues of common interest, made in connection with anticipated litigation."

It is OAG's burden to identify the "reasons and supporting facts for the denial." 1 V.S.A. § 318 (b)(2)(B). In the instant matter, the Attorney General's Office only asserts conclusory legal opinions in denying access. No facts of any type or variety are to be found in the denial letter, much less facts that establish a *prima facie* case that the records are within the ambit of any privilege, including but not limited to the Common Interest Privilege. Moreover, Energy Policy Advocates doubts that any privilege or work product protection could, as a matter of law, apply to the records at issue. As such, we appeal OAG's denial of access to these thirty five records.

I look forward to your response. Let me know if you have any questions.

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