

From: [Groff, David](#)
To: [Galloway, Anne](#)
Cc: [Kessler, John](#); [Layman, James](#)
Subject: Public Record Request
Date: Friday, April 15, 2022 4:15:32 PM
Attachments: [2022 04 15 Lrt ro Anne Galloway re PRA request for state communications.pdf](#)

Anne,

Please see the attached letter in response to your public records request. As described in the letter, below is a link to our production in response to your request. Thanks.

https://app.everlaw.com/1169/dl/CP5WSVOlecqcBv0S-oHRn0Jvt7houJ3QXHZI8VMM0am_

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April 14, 2022

Via Email
Anne Galloway
VTDigger.org

Re: 3/28/22 Public Records Request re communications regarding Jay Peak related projects

Dear Ms. Galloway,

We are in receipt of your public records request dated March 28, 2022, in which you requested: 1) communications of 24 current or former state officials regarding various Jay Peak related projects and individuals, and 2) communications between “any ACCD or Attorney General’s Office employee” and Vermont’s congressional delegation or the United States Citizenship and Immigration Services” regarding various Jay Peak related projects.

As we recently discussed, any communications responsive to this request are also relevant to pending litigation in which the State is a party, including the *Sutton* case pending in Lamoille Superior Court and the *Abdel* case pending in Vermont’s Federal District Court. The documents are therefore exempt from the Public Records Act pursuant to the “relevant to litigation” exception, except to the extent the documents have been “ruled discoverable.” *See* 1 V.S.A. § 317(c)(14). In line with Judge Bent’s recent ruling in litigation raising similar issues, we interpret

this to mean that the exemption applies except to the extent that the communications at issue have been produced in discovery in those civil cases.

We therefore are granting your request as to all documents previously produced in the *Sutton* litigation. In addition, we will update our response going forward as documents are produced in *Sutton* or *Abdel*. We are producing documents in *Sutton* on a rolling basis as they are gathered and reviewed. It is our intent to produce the documents responsive to your request once they have been produced in the relevant civil cases.

The email transmitting this letter contains a link by which you can access our production. It will take you to a page where you can download the documents by clicking the download button. It is a 9.6GB production, Bates labeled DIGGERPRA-00001 – DIGGERPRA-039914. Let me know if you have any trouble accessing these files.

Thank you.

Sincerely,

/s/

David R. Groff
Assistant Attorney General