



REQUEST UNDER OREGON'S PUBLIC RECORDS LAW

January 9, 2018

Beth Giddens
Office of the General Counsel
Oregon State University
524 Kerr Administration
Corvallis, Oregon 97331-2156

BY ELECTRONIC MAIL — publicrecords@oregonstate.edu

Dear Ms. Giddens,

On behalf of the Competitive Enterprise Institute (CEI), a non-profit public policy institute in Washington, DC and pursuant to Oregon's Public Records law, Chapter 192 §§ 410 *et seq.* of the Oregon Revised Statutes ("FOIA"), please provide us within the statutorily prescribed time copies of all emails on the University's email system (including attachments) that were received by, sent to or are possessed by Philip W. (Phil) Mote, of the College of Earth, Ocean, and Atmospheric Sciences, Oregon Climate Change Institute, which are also:

- a) dated between March 1, 2016 and April 30, 2016, inclusive, which are
- b) 1) to or from Shaun Goho, or 2) which use any of the terms, *anywhere* in the correspondence be it the to, from, cc, bcc, Subject fields or body of the email: A) Harvard, B) Pawa, C) CIEL, D) Frumhoff, E) UCS, F) Eubanks, and/or G) CIEL (these terms are not case sensitive).

Please consider as responsive the entire email "threads" containing any record responsive to this request regardless whether any part of that thread falls outside the search parameter.



Public records show that Professor Mote participated in an April 25, 2016 briefing at Harvard Law School on “Potential Causes of Action Against Major Carbon Producers: Scientific, Legal and Historical Perspectives”, attended by other academics, environmentalist pressure group activists, private attorneys and public employees of various state attorney general offices. Professor Mote is listed on the program to address his area of work as an Oregon State University instructor, as Phil Mote, Oregon State University. We seek correspondence relating to this trip, presentation, and other assistance provided these parties by Mr. Mote using University resources.

We understand we owe the OSU the cost of material, required to satisfy this request. We agree to pay legitimate expenses up to \$150.00. If you estimate costs will exceed that please notify us immediately and break down the expected costs.

We request records in electronic form if available. By the nature of this request *responsive records will be held and most easily produced in electronic format, necessitating no use of paper or photocopying expense.* We do of course agree to pay for the actual cost, which should be limited to the disc(s) on which you copy the records (“the actual cost of production of documents produced in electronic form”) and, as necessary, postage.

The undersigned do not seek the information for a commercial purpose. CEI is organized and recognized by the Internal Revenue Service as a 501(c)3 educational organization. As such, it has no commercial interest possible in these records.



Also, CEI is a media organization, which the federal government has already acknowledged is the case for purposes of the federal FOIA.¹

As such, we request a waiver of any fees involved, as release of these records is in the public interest and the University is permitted to and does exercise discretion in waiving or reducing fees on that basis.

The campaign in which Mr. Mote has involved himself using, and was invited to participate and is listed as participating in, on the basis of his OSU credential², is the subject of intense public, media, congressional oversight and now judicial interest.³ The requested information is of critical importance to the nonprofit policy advocacy groups engaged on these relevant issues, news media covering the issues, and others concerned with government activities on this critical subject, or as the United States Supreme Court once noted in the context of the federal FOIA, what their government is up to.

¹ See *e.g.*, Department of the Treasury FOIA Nos. 2012-08-053, 2012-08-054.

² See attached public record obtained from the Vermont Office of Attorney General, after judicial determination in December that this public record is not conceivably subject to any privilege.

³ See, *e.g.*, John O'Brien, "Exxon Prepares To Sue California Cities, Says They Contradict Themselves On Climate Change", *Forbes*, January 8, 2018, <https://www.forbes.com/sites/legalnewsline/2018/01/08/exxon-prepares-to-sue-california-cities-say-they-contradict-themselves-on-climate-change/amp/>; Andrew Scurria, "California Municipalities' Debt Disclosures Contrast With Climate Warnings", *Wall Street Journal*, January 8, 2018, <https://www.wsj.com/articles/california-municipalities-debt-disclosures-contrast-with-climate-warnings-1515456551>; see also <https://www.courthousenews.com/wp-content/uploads/2018/01/ExxonDepositions.pdf>.

1310 L Street, NW, 7th Floor
Washington, DC 20005
cei.org

202.331.1010 *voice*
202.331.0640 *fax*



If you have any questions please do not hesitate to contact me. We look forward to your timely response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Horner", is written over a light gray rectangular background.

Christopher C. Horner
Senior Fellow, CEI
1310 L Street, NW, 7th Floor
Washington D.C. 20007
chris.horner@cei.org
202.262.4458