

STATE OF MINNESOTA
COUNTY OF RAMSEY

Energy Policy Advocates,

Plaintiff,

vs.

Keith Ellison, in his official capacity as
Attorney General , Office of the Attorney
General,

Defendant.

DISTRICT COURT
SECOND JUDICIAL DISTRICT
Case Type: Other-Civil
Court File Number: 62-CV-20-3985

**DEFENDANT'S ANSWERS TO
PLAINTIFF'S REQUEST FOR
ADMISSIONS (SET 1)**

To: Plaintiff Energy Policy Advocates and its Attorneys, Douglas P. Seaton and James V. F. Dickey, Upper Midwest Law Center, 8421 Wayzata Boulevard, Suite 105, Golden Valley, Minnesota, 55426.

Pursuant to the Minnesota Rules of Civil Procedure, Defendant Keith Ellison, in his official capacity as Attorney General, Office of the Attorney General ("OAG"), responds to Plaintiff's Interrogatories as follows:

RESPONSES TO ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that OAG has not signed any purported representation, engagement, confidentiality, non-disclosure, joint defense or common interest agreement whose signatories also include:

- a. John Bachmann
- b. Joe or Joseph Goffman

Response: Admitted.

REQUEST FOR ADMISSION NO. 2: REQUEST FOR ADMISSION NO. 2: Admit that OAG signed a purported "COMMON INTEREST AGREEMENT REGARDING THE SHARING OF INFORMATION IN ANTICIPATION OF JUDICIAL OR ADMINISTRATIVE ACTIONS TO REQUIRE THE FEDERAL GOVERNMENT (OR PRIVATE PARTIES) TO TAKE ACTION (OR TO DEFEND THE FEDERAL GOVERNMENT'S AUTHORITY TO TAKE ACTION) TO REDUCE OR LIMIT EMISSIONS OF GREENHOUSE GASES THAT CAUSE CLIMATE CHANGE" (hereafter "the GHG Litigation CIA").

Response: Admitted.

REQUEST FOR ADMISSION NO. 3: Admit that in March 2019, via Max Kieley, OAG signed a purported “CONFIDENTIALITY AGREEMENT REGARDING PARTICIPATION IN CLIMATE CHANGE PUBLIC NUISANCE LITIGATION” (hereafter “the Climate Change CA”).

Response: Admitted.

REQUEST FOR ADMISSION NO. 4: Admit that OAG entered a purported confidentiality and/or common interest agreement(s) on behalf of the State of Minnesota, at some date between November 1, 2019 and the date you respond to this Request, inclusive, titled “AMENDMENT TO CONFIDENTIALITY AGREEMENT REGARDING PARTICIPATION IN CLIMATE CHANGE PUBLIC NUISANCE LITIGATION” (the amended version being hereafter “the Climate Change CA as amended”).

Response: Admitted.

REQUEST FOR ADMISSION NO. 5: Admit that nothing in the “AMENDMENT TO CONFIDENTIALITY AGREEMENT REGARDING PARTICIPATION IN CLIMATE CHANGE PUBLIC NUISANCE LITIGATION” terms changes the notice and consent provisions in the “CONFIDENTIALITY AGREEMENT REGARDING PARTICIPATION IN CLIMATE CHANGE PUBLIC NUISANCE LITIGATION”.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 6: If OAG denies that it signed the Climate Change CA as amended, admit that it remains party to the Climate Change CA.

Response: N/A.

REQUEST FOR ADMISSION NO. 7: If OAG denies that it signed the Climate Change CA as amended, admit that it never withdrew in writing from being a party to the Climate Change CA.

Response: N/A.

REQUEST FOR ADMISSION NO. 8: Admit that a November 5, 2019 email from Steve Novick of the Oregon Department of Justice to, inter alia, to OAG (Peter Surdo, Rachel Tess), with a subject field including the phrase “Updated CIA”, attached:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 9: Admit that the Climate Change CA is not limited to “the Litigation” described therein.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 10: Admit that the Climate Change CA as amended is not limited to “the Litigation” as described therein.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 11: Admit that the following claims a common interest:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO admits that it has a common interest with certain states concerning climate litigation and greenhouse gas litigation sufficient to allow the exchange of privileged communications and attorney work product without waiving those privileges. The AGO admits that it has entered into common interest agreements documenting the common interest shared by the relevant states. The AGO denies the remaining elements of this request for admission, if any.

REQUEST FOR ADMISSION NO. 12: Admit that the following do not cite or by their terms purport to limit their coverage to pending litigation involving OAG or the State of Minnesota, or litigation reasonably anticipated to involve OAG or the State of Minnesota:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 13: Admit that it is OAG’s position that the following purports to shield, or somehow does allow OAG to shield, from public disclosure information shared for the purpose of advancing the purported common interest identified in each document:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO admits that it has a common interest with certain states concerning climate litigation and greenhouse gas litigation sufficient to allow the exchange of privileged

communications and attorney work product without waiving those privileges. The AGO admits that it has entered into common interest agreements documenting the common interest shared by the relevant states. The AGO denies the remaining elements of this request for admission, if any.

REQUEST FOR ADMISSION NO. 14: Admit that the Climate Change CA purports to extend or memorialize privilege between OAG and counsel to parties that have an interest in public nuisance litigation named in the Climate Change CA.

Response: Admitted.

REQUEST FOR ADMISSION NO. 15: Admit that the Climate Change CA as amended purports to extend or memorialize privilege between OAG and counsel to parties that have an interest in public nuisance litigation named in the Climate Change CA as amended.

Response: Admitted.

REQUEST FOR ADMISSION NO. 16: Admit that the Climate Change CA purports to extend or memorialize privilege between OAG and parties beyond parties, or counsel to parties, to “the Litigation” as described in the Climate Change CA, specifically to OAGs who are not party or counsel to parties to the named litigation.

Response: Admitted.

REQUEST FOR ADMISSION NO. 17: Admit that the Climate Change CA as amended purports to extend beyond parties or counsel to parties to “the Litigation” as described in the Climate Change CA as amended, specifically to OAGs who are not party or counsel to parties to the named litigation.

Response: Admitted.

REQUEST FOR ADMISSION NO. 18: Admit that the Climate Change CA purports to extend privilege for certain OAG communications with:

- a. Sher Edlmg LLP
- b. Hagens Berman Sobol Shapiro LLP
- c. Ann Carlson and/or UCLA Law School

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 19: Admit that the Climate Change CA as amended purports to extend privilege for certain OAG communications with:

- a. the Niskanen Center
- b. EarthRights Internaitonal
- c. Sher Edling LLP
- d. Hagens Berman Sobol Shapiro LLP
- e. Ann Carlson and/or UCLA Law School

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 20: Admit that OAG has provided notice of one or more public record requests at issue in this matter, to other Parties pursuant to:

Response: The AGO admits that it has communicated with other state attorneys general concerning one or more public records requests at issue in this matter. The AGO denies the remaining elements of this request for admission, if any.

REQUEST FOR ADMISSION NO. 21: Admit that the following documents require that parties thereto provide notice to the other parties when receiving public record requests for communications or documents related to its described litigation, regardless of whether such communications or document exchanges occurred before or after the effective date of the Agreement.

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 22: Admit that paragraph numbered 8 of the Climate Change CA requires that a party shall not release records requested by the public if the party subject to the request determines the records are Protected by the Climate Change CA unless the other Parties consent to disclosure or release.

Response: Denied.

REQUEST FOR ADMISSION NO. 23: Admit that paragraph numbered 8 of the Climate Change CA as amended requires that a party shall not release records requested by the public if the party subject to the request determines the records are Protected by the Climate Change CA as amended unless the other Parties consent to disclosure or release.

Response: Denied.

REQUEST FOR ADMISSION NO. 24: Admit that paragraph numbered 8 of the GHG Litigation CIA requires that a party shall not release records requested by the public if the party subject to the request determines the records are Protected by the GHG Litigation CIA as amended unless the other Parties consent to disclosure or release.

Response: Denied.

REQUEST FOR ADMISSION NO. 25: Admit that the Climate Change CA purports to afford parties not subject to particular records requests by the public the ability, regarding public records requests received by other parties, to:

- a. participate in the decision of what records are “related to the Litigation” and are the subject of its notice and consent provisions.
- b. participate in the decision of what is “Protected Information” and is the subject of its notice and consent provisions.
- c. not consent to, or to deny, OAG release of OAG records to a public records requester by refusing to provide consent.

Response: Denied.

REQUEST FOR ADMISSION NO. 26: Admit that the Climate Change CA as amended purports to afford parties not subject to particular records requests by the public the ability, regarding public records requests received by other parties, the ability to:

- a. participate in the decision of what records are “related to the Litigation” and are the subject of its notice and consent provisions.
- b. participate in the decision of what is “Protected Information” and is the subject of its notice and consent provisions.
- c. not consent to, or to deny, OAG release of OAG records to a public records requester by refusing to provide consent.

Response: Denied.

REQUEST FOR ADMISSION NO. 27: Admit that the GHG Litigation CIA purports to afford parties not subject to particular records requests by the public the ability, regarding public records requests received by other parties, the ability to:

- a. participate in the decision of what records are “related to the Litigation” and are the subject of its notice and consent provisions.
- b. participate in the decision of what is “Protected Information” and is the subject of its notice and consent provisions.
- c. not consent to, or to deny, OAG release of OAG records to a public records requester by refusing to provide consent.

Response: Denied.

REQUEST FOR ADMISSION NO. 28: Admit that one or more parties have provided consent or other input to OAG about one or more of Plaintiff's records requests at issue in this Lawsuit, pursuant to:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 29: Admit that one or more parties have objected or declined to consent to OAG releasing information in response to one or more of Plaintiff's records requests at issue in this Lawsuit, pursuant to:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 30: Admit that to OAG's information or belief one or more municipalities or their counsel have shared information with OAG pursuant to the Climate Change CA.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 31: Admit that to OAG's information or belief one or more municipalities or their counsel have received information from OAG pursuant to the Climate Change CA.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 32: Admit that one or more municipalities or their counsel have shared information with OAG pursuant to the Climate Change CA as amended.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 33: Admit that to OAG’s information or belief one or more municipalities or their counsel have received information from OAG pursuant to the Climate Change CA as amended.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 34: Admit that the following has been shared with parties outside of OAG, including outside of any purported client office or client agency of OAG:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 35: Admit that there is no judicial or administrative action regarding greenhouse gas emissions, under state law or federal law, common law or statutory law, against a governmental entity or private party, that is excluded by the claimed scope of “the GHG Litigation CIA”.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 36: Admit that OAG is withholding from Plaintiff one or more email records, dated at some time or times from November 17, 2019 through the present, that use the term “GHG NAAQS” in a Subject field.

Response: Denied.

REQUEST FOR ADMISSION NO. 37: Admit that OAG is withholding from Plaintiff one or more email records, dated at some time or times from November 17, 2019 through the present, that use the term “GHG NAAQS” in the body of the email.

Response: Admitted.

REQUEST FOR ADMISSION NO. 38: Admit that OAG is withholding from Plaintiff one or more records that were attachments to an email(s), dated at some time or times from November 17, 2019 through the present, that use the term “GHG NAAQS” in the attachment to an email.

Response: Admitted.

REQUEST FOR ADMISSION NO. 39: Admit that OAG is withholding from Plaintiff one or more email records that uses @climateintegrity.org.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 40: Admit that OAG is withholding from Plaintiff one or more email records that uses the @fresh-energy.org.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 41: Admit that OAG is withholding from Plaintiff one or more email records that uses the @fresh-energy.org.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 42: Admit the genuineness of the attached Document #1, and that it is a true and correct copy of “the GHG Litigation CIA”.

Response: Admitted.

REQUEST FOR ADMISSION NO. 43: Admit the genuineness of the attached Document #2, and that it is a true and correct if redacted copy of the text of “the Climate Change CA as amended.

Response: Admitted.

REQUEST FOR ADMISSION NO. 44: Admit the genuineness of the attached Document #3, and that it is a true and correct copy of the Climate Change CA.

Response: Admitted.

REQUEST FOR ADMISSION NO. 45: Admit that OAG is withholding from Plaintiff an attachment to a January 6, 2020 email sent to OAG’s Peter Surdo and Rachel Tess from Steve Novick of the Oregon Department of Justice, which attachment’s title is or contains “BachmannDoc.PPT”.

Response: Admitted.

REQUEST FOR ADMISSION NO. 46: Admit that OAG is withholding from Plaintiff a document whose title is or contains “ClimateNAAQS.ppt,” received by OAG at some time or times in January 2020 or thereafter.

Response: Denied.

REQUEST FOR ADMISSION NO. 47: Admit that OAG is withholding in this matter one or more purported common interest agreements entered into by OAG in 2018, 2019 and/or 2020.

Response: Admitted.

REQUEST FOR ADMISSION NO. 48: Admit that OAG is withholding in this matter one or more purported confidentiality agreements entered into by OAG in 2018, 2019 and/or 2020.

Response: Admitted, with the clarification that the AGO would refer to all of the agreements in question as “Common Interest Agreements” not “Confidentiality Agreements.”

REQUEST FOR ADMISSION NO. 49: Admit that OAG is invoking or intends to invoke one or more purported confidentiality and/or common interest agreements entered into by OAG in 2018, 2019 and/or 2020 to withhold records at issue in this matter.

Response: Denied. Answering further, the AGO states that it has withheld documents from production in response to the data requests at issue under specific exemptions of the Data Practices Act. Common interest agreements may allow for the continued extension of a privilege to communications where the privilege might be otherwise waived. However, the common

interest agreements are not an independent basis to withhold materials under the Data Practices Act.

REQUEST FOR ADMISSION NO. 50: Admit that OAG is invoking or intends to invoke the following in withholding one or more records at issue in this matter:

- a. the Climate Change CA
- b. the Climate Change CA as amended
- c. the GHG Litigation CIA

Response: Denied. See also answer to RFA 49.

REQUEST FOR ADMISSION NO. 51: Admit that OAG is invoking or intends to invoke one or more purported confidentiality and/or common interest agreements entered into by OAG in 2018, 2019 and/or 2020 to withhold records at issue in this matter which include discussion with or of:

- a. John Bachmann.
- b. Joe or Joseph Goffman.

Response: Denied. See also answer to RFA 49.

REQUEST FOR ADMISSION NO. 52: Admit that OAG possesses a copy of a letter NYU SEEIC sent extending an offer of employment to Peter Surdo.

Response: Admitted. Answering further, the OAG states that it does not believe it was in possession of the letter at the time of the Plaintiff's January 3 data practices act request, but has obtained a copy in connection with this litigation.

REQUEST FOR ADMISSION NO. 53: Admit that OAG possesses a copy of a letter NYU State Energy & Environmental Impact Center sent extending an offer of employment to Leigh Currie.

Response: Admitted. Answering further, the OAG states that it does not believe it was in possession of the letter at the time of the Plaintiff's January 3 data practices act request, but has obtained a copy in connection with this litigation.

REQUEST FOR ADMISSION NO. 54: Admit that OAG possesses some or all paperwork that Leigh Currie completed for the NYU State Energy & Environmental Impact Center prior to beginning work for OAG.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 55: Leigh Currie is an employee of New York University's State Energy & Environmental Impact Center.

Response: Admitted.

REQUEST FOR ADMISSION NO. 56: Admit that Leigh Currie provided the same or similar paperwork to OAG as OAG employees provide prior to beginning work, whether in addition to any paperwork she provided to the NYU State Energy & Environmental Impact Center paperwork or otherwise.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 57: Admit that Leigh Currie completed an OAG or State of Minnesota application for employment prior to beginning work for OAG.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 58: Admit that Leigh Currie has attested to OAG to potential conflicts of interest prior to or as a condition of her work for OAG.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 59: Admit that Leigh Currie has attested to OAG to relevant ongoing advisory or volunteer activities prior to or as a condition of her working for OAG.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 60: Admit that Leigh Currie informed OAG of her role on the advisory board of Climate Generation prior to beginning work for OAG.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 61: Admit that Leigh Currie informed OAG that she still served on the advisory board of Climate Generation when she began to work for OAG.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 62: Admit that Leigh Currie still served on the board of advisors of Climate Generation as of June 5, 2019.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 63: Admit that Leigh Currie still served on the board of advisors of Climate Generation as of June 24, 2020.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 64: Admit that Leigh Currie informed OAG of her contemporary service on the advisory board of Climate Generation with Michael Noble of Fresh Energy prior to her beginning work on an investigation of American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 65: Admit that Leigh Currie informed OAG of her role on the advisory board of Climate Generation with Michael Noble of Fresh Energy prior to her beginning work on litigation against American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 66: Admit that Leigh Currie communicated with Michael Noble as she worked on an investigation of American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 67: Admit that Leigh Currie communicated with Michael Noble as she prepared OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 68: Admit that OAG, through Oliver Larson, Karen Olson, or otherwise, has provided by telephone at least one report on the work of SAAG Peter Surdo to NYU SEEIC.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit. Answering further, the AGO notes that the plaintiff's February 7 data request sought only electronic correspondence from Oliver Larson or Karen Olson to New York University or NYU SEEIC, that a diligent search was performed at that time, and no such correspondence was identified. The AGO can also confirm that Mr. Larson and Ms. Olson have not provided reports of any nature, orally or in writing, to New York University or NYU SEEIC as of today's date concerning Mr. Surdo.

REQUEST FOR ADMISSION NO. 69: Admit that OAG, through Oliver Larson, Karen Olson, or otherwise, has provided by electronic mail at least one report on the work of SAAG Peter Surdo to NYU SEEIC.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit. Answering further, the AGO notes that the plaintiff's February 7 data request sought only electronic correspondence from Oliver Larson or Karen Olson to New York University or NYU SEEIC, that a diligent search was performed at that time, and no such correspondence was identified. The AGO can also confirm that Mr. Larson and Ms. Olson have not provided reports of any nature, orally or in writing, to New York University or NYU SEEIC as of today's date concerning Mr. Surdo.

REQUEST FOR ADMISSION NO. 70: Admit that OAG, through Oliver Larson, Karen Olson, or otherwise, has provided by telephone at least one report on the work of SAAG Leigh Currie to NYU SEEIC.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit. Answering further, the AGO notes that the plaintiff's February 7 data request sought only electronic correspondence from Oliver Larson or Karen Olson to New York University or NYU SEEIC, that a diligent search was performed at that time, and no such correspondence was identified. The AGO can also confirm that Mr. Larson and Ms. Olson have not provided reports of any nature, orally or in writing, to New York University or NYU SEEIC as of today's date concerning Ms. Currie.

REQUEST FOR ADMISSION NO. 71: Admit that OAG, through Oliver Larson, Karen Olson, or otherwise, has provided by electronic mail at least one report on the work of SAAG Leigh Currie to NYU SEEIC.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit. Answering further, the AGO notes that the plaintiff's February 7 data request sought only electronic correspondence from Oliver Larson or Karen Olson to New York University or NYU SEEIC, that a diligent search was performed at that time, and no such correspondence was identified. The AGO can also confirm that Mr. Larson and Ms. Olson have not provided reports of any nature, orally or in writing, to New York University or NYU SEEIC as of today's date concerning Ms. Currie.

REQUEST FOR ADMISSION NO. 72: Admit that OAG is party to a purported Common Interest Agreement with, *inter alia*, the Office of the Attorney General of the District of Columbia that covers potential greenhouse gas litigation against private parties.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 73: Admit that on March 20, 2020, OAG's Peter Surdo and/or Rachel Tess received, from the District of Columbia OAG's David Hoffmann, notice of an open records request to Hoffmann's Office by Plaintiff regarding, *inter alia*, Goffman and/or Bachmann.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 74: Admit that that March 20, 2020, email from DC OAG's David Hoffmann to OAG's Peter Surdo and/or Rachel Tess purported to be a notice to Parties of the Climate Change CA as amended, pursuant to that agreement.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 75: Admit that a document attached to a March 20, 2020 email from DC OAG's David Hoffmann titled "Clim.CIA(12.11.19).pdf" was a page including Mr. Hoffmann's signature block on the Climate Change CA as amended.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 76: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with the Attorney General of the District of Columbia Karl Racine about OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 77: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, otherwise communicated with the Office of the Attorney General of the District of Columbia about OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 78: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with David Hayes of the New York University's State Energy & Environmental Impact Center about OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 79: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with Elizabeth Klein of the New York University's State Energy & Environmental Impact Center about OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 80: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with anyone affiliated with the New York University's State Energy & Environmental Impact Center about OAG's June 24, 2020 lawsuit *State of Minnesota, by its*

Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 81: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with any other state department of justice or office of the attorney general about OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 82: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with Sher Edling about possible OAG litigation against American Petroleum Institute, Exxon Mobil Corp., ExxonMobil Oil Corporation, Royal Dutch Shell LLC, Shell Oil Company, BP P.L.C., BP America Inc., Chevron Corporation, Chevron U.S.A. Inc., Koch Industries, Inc., Flint Hills Resources LP, and/or Flint Hills Resources Pine Bend.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

REQUEST FOR ADMISSION NO. 83: Admit that OAG, through Attorney General Keith Ellison, Oliver Larson, Karen Olson, Peter Surdo, Leigh Currie, Rachel Tess, Max Kieley, or otherwise, communicated with any other outside party about OAG's June 24, 2020 lawsuit *State of Minnesota, by its Attorney General, Keith Ellison, vs. American Petroleum Institute, Exxon Mobil Corporation, ExxonMobil Oil Corporation, Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend*, prior to filing that lawsuit.

Response: The AGO objects to this request for admission as being irrelevant to the matters at issue in this suit.

Dated: October 12, 2020

Respectfully submitted,

KEITH ELLISON
Attorney General
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