

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
Civil Action No.: 2084CV01858

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| ENERGY POLICY ADVOCATES, |) |
| |) |
| <i>Plaintiff,</i> |) |
| v. |) |
| |) |
| OFFICE OF THE ATTORNEY GENERAL OF |) |
| MASSACHUSETTS, MAURA HEALEY, in her |) |
| official capacity as Attorney General, et al., |) |
| |) |
| <i>Defendants.</i> |) |

MOTION FOR ENTRY OF ORDER OF IMPOUNDMENT AND PROTECTIVE ORDER TO OBTAIN SUFFICIENT INFORMATION TO BRIEF SUMMARY JUDGMENT MOTIONS

Pursuant to Superior Court Rule 9A and Mass. R. Civ. P. 16 and the Order issued by this Court during its Rule 16 conference with parties on February 1, 2024 Plaintiff, Energy Policy Advocates, respectfully submits this motion moving the Court to enter an order of impoundment and protective order, attached, such that Plaintiff may obtain sufficient information to brief its summary judgment motion.

Dated: March 4, 2024

Respectfully Submitted
Energy Policy Advocates
By its attorneys,

/s/ Nathaniel M. Lindzen
Nathaniel M. Lindzen (BBO #689999)
nlindzen@corpfraudlaw.com
Law Office of Nathaniel M. Lindzen
57 School Street
Wayland, MA 01778
Phone: (212) 810-7627

CERTIFICATION UNDER SUPERIOR COURT RULE 9C

I, Nathaniel M. Lindzen, attorney for Energy Policy Advocates, hereby certify that I have complied with Superior Court Rule 9C by making a good faith attempt to confer with Defendants regarding the subject of this motion. Specifically, I contacted Defendants on February 28, 2024 and then parties conferred electronically on March 1, 2024 but were unable to further narrow or refine the dispute.

Dated: March 4, 2024

/s/ Nathaniel M. Lindzen

Certificate of Service

I, Nathaniel M. Lindzen, attorney for plaintiffs Energy Policy Advocates, hereby certify that on March 4, 2024, I served the foregoing, electronically by email on:

Katherine Fahey, Esq.
Office of Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108

Dated: March 4, 2024

/s/ Nathaniel M. Lindzen

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AFFIDAVIT OF NATHANIEL LINDZEN PURSUANT TO PLAINTIFF ENERGY POLICY ADVOCATES’ MOTION FOR ORDER OF IMPOUNDMENT AND PROTECTIVE ORDER

I, Nathaniel Lindzen, being over 18 years in age and a competent attorney, pursuant to Superior Court Rule 15, do swear that the following exhibits attached with the Plaintiff Energy Policy Advocates’ Memorandum in Support of its Motion for Entry of Order of Impoundment and Protective Order are true and correct copies.

1. Exhibit C is a copy of Defendants’ index of purportedly exempted records as provided to Plaintiffs around July of 2023;
2. Exhibit D is a copy of Defendants’ email confirming Plaintiff’s oral concessions regarding the reduced number of purportedly exempt records over which it was seeking a refined index;
3. Exhibit E is a copy of the index as provided to Plaintiffs electronically on January 30, 2024.

I swear under pain and penalty of perjury that the foregoing is correct and to my knowledge.

Dated: March 4, 2024

Respectfully Submitted
Energy Policy Advocates
By its attorneys,

/s/ Nathaniel M. Lindzen
Nathaniel M. Lindzen (BBO #689999)
nlindzen@corpfraudlaw.com
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PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ENTRY OF
ORDER OF IMPOUNDMENT AND PROTECTIVE ORDER

Plaintiff, Energy Policy Advocates (“EPA”), submits this memorandum of law in support of its motion, attached, for the implementation of a protocol involving the entry of an Order of Impoundment and the entry of a strict Protective Order to enable counsel for the parties (and counsel only) to view disputed records and then efficiently and expeditiously brief summary judgment motions. The proposed Order of Impoundment is attached as Exhibit A. The proposed Protective Order is attached as Exhibit B.

INTRODUCTION

This lawsuit began nearly four years ago when EPA, a non-profit whose mission is to educate the public on government energy policy and how public institutions come to be used in the way they are, and with whom, sought to enforce the right to inspect public records pursuant to four requests made under the Massachusetts Public Records Act, M.G.L. c. 66 §10A and c. 4, §7, Twenty sixth, the Declaratory Judgment Act. M.G.L. c. 231A, §1, and M.G.L. c. 249, §4.

The records sought by EPA pertained to, what another court has referred to as “secret meetings”^{1,2} between state attorney generals, including those from the Massachusetts Attorney General’s Office (“AGO”), on one hand, and private climate activists on the other, and which took place at Harvard Law School in the Spring of 2016. More specifically, EPA sought public records relating to communications between the AGO on one hand, and Brad Campbell (“Campbell”), Matt Pawa (“Pawa”) and Cara Horowitz (“Horowitz”), on the other. Brad Campbell is the founder and CEO of the private climate activist organization, the Conservation Law Foundation. Matt Pawa is private class action tort lawyer who was/is targeting Exxon Mobil in his own private litigation and who has sought cooperation from the AGO to further that litigation. Horowitz is a climate activist and faculty member at UCLA Law School’s Emmet Institute who was enlisted by Pawa to assist in pitching coordination between prosecutors at the AGO, himself, Campbell and Horowitz. The goal of this coordination was a lawfare campaign to, as Horowitz accurately if indelicately put it, to go “after climate denialism [sic] – along with a bunch of local and state prosecutors nationwide.”² That campaign has led to attorneys general investigations of private parties,³ and targeted more than 100 research and advocacy groups,

¹ In an order transferring a case from the Northern District of Texas to the Southern District of New York, Judge Kinkeade of the Northern District Court noted “[t]he day after the closed-door meeting, on March 30, 2017, Mr. Pawa emailed the Office of the New York Attorney General to ask how he should respond if asked by a reporter from The Wall Street Journal whether he attended the closed-door meeting with the attorneys general. The Office of the New York Attorney General responded by instructing Mr. Pawa ‘to not confirm that you attended or otherwise discuss the event.’ Does this reluctance to be open suggest that *the attorneys general are trying to hide something from the public?*” *Exxon v. Healey*, Civil Action No. 4:16-CVK-469-K (N.D. TX, Mar. 29, 2017) at 8 (*emphasis added*).

² “I will be showing this Monday at a secret meeting at Harvard that I’ll tell you about next time we chat. very [sic] exciting!” April 22, 2016, email from Oregon State University Professor Philip Mote to unknown party, Subject: [REDACTED], and “I’m actually also planning to show this in a secret meeting next Monday- will tell you sometime! April 20, 2016, Philip Mote email to unknown party, Subject: [REDACTED]. Both obtained from Oregon State University on March 29, 2018, in response to a January 9, 2018 Public Records Act Request.

³ *People of the State of New York v PricewaterhouseCoopers and Exxon Mobil Corporation*, New York State Supreme Court, New York County, No. 451962/2016, and 1:17-cv-2301 in U.S. District Court, Southern District of New York; *People of the State of New York v. Exxon Mobil*

scientists and others.⁴ The records sought are of great public interest for these reasons and because they pertain to efforts to radically change national energy policy through the courts rather than the legislature⁵ and potentially do so at great and cost to everyday working Americans.⁶

PROCEDURAL HISTORY

Plaintiff originally submitted its first public records request to the AGO in November of 2019. Thereafter, in January, March and April of 2020 it submitted three more. Similar to a sister action in this court, *Energy Policy Advocates v. Maura Healey et al.*, Suffolk Sup. Ct., Civil Action. No. 1984CV01753, EPA's public record request in this action was marked at the outset by obstruction, with document production only beginning after this lawsuit was filed (*see* Amended Complaint at Docket No. 2). Over four years later, this pattern of skirmishing and obstruction manifest itself in the inability of EPA, after over six months of failed negotiations, to obtain a sufficiently detailed index of withheld records which would allow it to brief a motion for

Corporation, Supreme Court of New York Index No. 452044/2018; *Commonwealth of Massachusetts v. Exxon Mobil Corporation*, Suffolk County Superior Court, 19- 3333.

⁴ *See, e.g.*, Valerie Richardson, "Exxon climate change dissent subpoena sweeps up more than 100 U.S. institutions", Washington Times, May 3, 2016, <https://www.washingtontimes.com/news/2016/mavi3/virgin-islands-ag-subpoenas-exxon-communications/>; Walter Olson, "Massachusetts AG to Exxon: hand over your communications with think tanks", June 16, 2016, <https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-communications-think-tanks/>.

⁵ Zoe Carpenter, *The Government May Already Have the Law It Needs to Beat Big Oil*, The Nation (July 15, 2015), <https://www.thenation.com/article/archive/the-government-may-already-have-the-law-it-needs-to-beat-big-oil/> (quoting Pawa, in an article advocating RICO actions against fossil fuel companies: "Legislation is going nowhere, so litigation could potentially play an important role.").

⁶*See, e.g.*, Bjorn Lomborg, "Welfare in the 21st century: Increasing development, reducing inequality, the impact of climate change, and the cost of climate policies" Technological Forecasting and Social Change, Vol. 156, July 2020, <https://www.sciencedirect.com/science/article/pii/S0040162520304157>.

summary judgment on the expansive exemptions being claimed by the AGO over a set of records that EPA has taken the good faith initiative of reducing dramatically as described further below.

The first index of purportedly exempt records was produced to EPA by the AGO only in July of 2023 or over three and a half years after EPA's first public record request in November of 2019. That index, in addition to having the same flaws described below, lumped categories of documents together rather than addressing each document individually as an index must. Thereafter, over the next five months EPA made considerable concessions during numerous meetings with the AGO in return for an index that, while covering far fewer exempted records, would allegedly provide the requisite detail needed for summary judgment arguments to be made. To no avail. Specifically, EPA made a unilateral concession of all but two of the twenty five records categories contained in the AGO's July 2023 index of records withheld in relation to EPA's January 2020 public records request; EPA also entirely dropped its request for an index regarding the twenty eight record categories contained in the AGO's July 2023 index of records which were withheld in relation to EPA's March 2020 public records request; finally, in relation to records from EPA's April 2020 public records request, EPA winnowed its request for a more expansive index to just seventeen of the original fifty-five record categories contained in AGO's July 2023 index. *See Exhibit C* (comprising the indexes produced around July of 2023 by the AGO). *See Exhibit D* for an email confirming EPA's concessions described above.

In sum, and with respect to its January 2020, March 2020 and April 2020 public records requests, EPA now was only requesting that the AGO promptly provide a properly detailed index of nineteen of the original one hundred and eight records that the AGO had asserted exemptions over in their July 2023 index. This represented a concession by EPA of approximately 82% of the heretofore disputed records. Unfortunately, as has been typical in this action and its sister

action, even after EPA’s vast concessions, the AGO did not respond in kind (as might be expected in an ordinary Rule 26 discovery dispute let alone a public records request). After promising to produce the index by January 15, 2024 and being ordered to do the same by this Court during its Rule 16 Conference on December 6, 2023, the AGO ultimately produced a final version of its index, lacking as it was, on January 30, 2024.⁷

EPA asserts that the index that it bargained for and expected to receive is inadequate to allow it to brief its summary judgment motion. *See* Exhibit E for the final version of the AGO’s index produced on or about January 30, 2024.⁸

EPA asserts that the index provided by the AGO in January of 2024 does not comport with its legal requirements under the Public Records Act, M.G.L. c. 66 § 10 (“Public Records Act”), and is insufficient to allow EPA to brief its summary judgment motion. EPA further asserts that the failed negotiations over the index, when taken together with the AGO’s behavior in the sister action, illustrates of a pattern of bad faith non-compliance with the Public Records Act. EPA thus moves the court to implement the same protocol as was implemented in its similarly stalled sister action *Energy Policy Advocates v. Maura Healey et al.*, Suffolk Sup. Ct., Civil Action. No. 1984CV01753.

⁷ See date on Exhibit E and FN No. 8, *infra*.

⁸ This Court had, on December 6, 2023, ordered the AGO to produce the index by January 15, 2024, which it did, but subsequent corrected or amended versions were submitted thereafter up until January 30, 2024.

ARGUMENT

1. This Court should intervene and implement the protocol established in the sister action, *Energy Policy Advocates v. Maura Healey et al.*, Suffolk Sup. Ct., Civil Action. No. 1984CV01753 (hereinafter the “Gordon Protocol”) to timely and efficiently bring this action to a close.

This action has, like its sister action has dragged on far too long. It has done so due to what the Honorable Judge Robert B. Gordon recently referred to as the “aggressive resistance from the AGO at almost every turn. Such resistance took the form of expansive exemption and privilege-claiming by the AGO ...”. *Energy Policy Advocates*, Suffolk Sup. Ct., Civil Action. No. 1984CV01753, at Docket 41, p.2.

It is axiomatic that the records of agencies are presumptively public and that time is of the essence as regards the release of such records. For instance, in the federal sphere the Civil Action Priorities Act, 28 U.S.C. § 1657(a), explicitly encourages courts to prioritize litigation related to FOIA record requests.⁹ For good reason. The point of public record laws is to timely inform the public such that they may take part in the process of good self-governance - “the core purpose of the FOIA ... is contributing significantly to public understanding of the operations or activities of the government.” *Bos. Globe Media Partners, LLC v. Dep't of Pub. Health*, 482 Mass. 427, 450 (Mass. 2019). This understanding is of little use if it comes so late that the public can do little with it. There is, however, an easy and costless solution to the source of this problem in this action.

⁹ See *Comm. on Ways & Means of House of Representatives v. U.S. Dep't of Treasury*, No. 1:19-cv-01974 (TNM), at *2 (D.D.C. Aug. 29, 2019) (“and encourages priority for FOIA cases”).

The sister action¹⁰ to this case began in June of 2019. Upon receipt of dueling motions for summary judgment, that Court was unable to ascertain the applicability or lack thereof of the AGO's claimed exemptions due to (as in this action), the parsimonious nature of the AGO's index. The Judge then ordered that the disputed records be impounded and made available to the Court and EPA's counsel (and EPA's counsel alone, i.e., for "attorney's eyes only"). Plaintiff's counsel was required to sign a strict protective order agreement before receiving access to the impounded records. Similarly, any briefs even referencing the allegedly exempt records were also impounded. The Judge then ordered five-page briefs from the parties to further supplement their original summary judgment motions. After being stalled for nearly four years, the Gordon Protocol effectively concluded the action 2 months later on March 10, 2023.¹¹ The AGO suffered no ill effect from the carefully crafted judicial solution itself – the final decision by the Court did however show that the AGO's claimed exemptions were overbroad.¹²

¹⁰ *Energy Policy Advocates*, Suffolk Sup. Ct., Civil Action. No. 1984CV01753.

¹¹ Excepting a motion for fees and a motion to appropriately modify the impoundment order in light of the ultimate summary judgment ruling.

¹² No docket cite is not yet available since motions to un-impound the Judge's ultimate summary judgment decision in that matter were only ruled upon on February 27, 2024 and the public docket has yet to be updated as of the writing of this memorandum.

2. The AGO's index does not satisfy its burden and legal obligations to justify the withholding of presumptively public documents.

The AGO's latest iteration of its index is not sufficiently detailed to satisfy its legal obligations and to justify its withholding of presumptively public documents.¹³ These records are typically being withheld on multiple and simultaneous bases including: attorney-client privilege, the work product doctrine, and exemption under M.G.L. c. 4 § 7 twenty-sixth (d)¹⁴ or (f).¹⁵ The claiming of multiple simultaneous exemptions compounds the lack of factual detail in the index itself. *See Judicial Watch, Inc. v. Food Drug Admin*, 449 F.3d 141, 150 (D.C. Cir. 2006) (“[w]here the document description only vaguely indicates the information contained therein, the use of multiple exemptions for some documents adds to the confusion about which withheld information fits with which exemption.”)

The Public Records Act presumes disclosure. As such, any exemptions claimed pursuant to M.G.L. c. 4 § 7 twenty-sixth must be “strictly and narrowly construed.” *Rahim v. Dist. Attorney for Suffolk Dist.*, 486 Mass. 544, 549 (Mass. 2020) (quoting *Bos. Globe Media Partners, LLC v. Dep't of Pub. Health*, 482 Mass. 427, 432 (Mass. 2019)). It is so because “[t]he primary purpose of G. L. c. 66, § 10, is to give the public broad access to governmental records.”

¹³ *Bradley v. Records Access Officer*, 174 N.E.3d 1212, 1216 (Mass. App. Ct. 2021) (“An agency claiming an exemption has the burden of “prov[ing], by a preponderance of the evidence, that [the] record or portion of the record may be withheld in accordance with [S]tate or [F]ederal law.” G. L. c. 66, § 10A (d) (1) (iv).”)

¹⁴ Mass. Gen. Laws ch. 4 § 7 (“(d) inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;”).

¹⁵ Mass. Gen. Laws ch. 4 § 7 (“(f) investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest;”).

People for the Ethical Treatment of Animals, Inc. v. Dep't of Agric. Res., 477 Mass. 280, 281 (Mass. 2017) (internal quotations omitted).

While M.G.L. c. 4 § 7 twenty-sixth, excludes or exempts certain records from the definition “public records,” application of these exemptions by courts requires a “careful case-by-case consideration.” *Id.*

The AGO’s latest iteration of its index (let alone its earlier iterations), provides insufficient information for EPA to brief the applicability of the four, often simultaneous,¹⁶ bases for exemption claimed by the AGO, i.e., those under the attorney-client privilege, work product doctrine, or M.G.L. c. 4 § 7 twenty-sixth, clauses (d) and (f), (hereinafter exemption (d) will be referred to as the “deliberative process exemption” and exemption (f) will be referred to as the “investigatory exemption”).

To ascertain whether the application of the deliberative process exemption is warranted, EPA must know more about the document to ascertain whether the entire document relates to the deliberative process.¹⁷ In the work product context, EPA must know whether all recipients and authors of a record in question were attorney’s and acting in that capacity. EPA must further know whether the record comprised opinion, fact, or “reasonably completed factual studies”. *See generally DaRosa v. City of New Bedford*, 30 N.E.3d 790 (Mass. 2015) (explaining the applicability of the deliberative process exemption and, relatedly, the work product doctrine as applied in public record actions, and noting that the exemption is more temporally circumscribed

¹⁶ *See e.g.*, Exhibit E, where the AGO most often asserts the deliberative process exemption in conjunction with “work product” and “attorney client privileges”.

¹⁷ *Wiener v. F.B.I.*, 943 F.2d 972, 979 (9th Cir. 1991) (“Specificity is the defining requirement of the *Vaughn* index.” *King*, 830 F.2d at 219; *see also Vaughn*, 484 F.2d at 827. Unless the agency discloses “as much information as possible without thwarting the [claimed] exemption’s purpose,” *King*, 830 F.2d at 224, the adversarial process is unnecessarily compromised”).

than the work product privilege and also inapplicable to completed studies). The current index, comprised of numerous entries of what are termed “attachments” does not allow EPA to make such important and granular distinctions.

Similarly, to ascertain the applicability of the attorney-client privilege EPA must have enough information to know for instance whether the record comprised a communication for the purpose of “facilitating the rendition of legal services” or for something else altogether. *Purcell v. District Attorney for the Suffolk District*, 424 Mass. 109, 115 (Mass. 1997) (“The attorney-client privilege applies only when the client's communication was for the purpose of facilitating the rendition of legal services.”). EPA must also know who precisely was privy to the communication and whether the presence of non-clients may have waived this privilege.¹⁸ EPA must also have sufficient information to ascertain whether the communication comprises legal advice or whether the communication is for instance merely one pertaining to facts that was transmitted by, or in the presence of, attorneys who were not giving advice. *Upjohn Co. v. United States*, 449 U.S. 383, 395-96 (1981) (“[T]he protection of the privilege extends only to *communications* and not to facts. A fact is one thing and a communication concerning that fact is an entirely different thing.”) (internal quotations omitted). *See also Attorney Gen. v. Facebook, Inc.*, 487 Mass. 109, 123 (Mass. 2021) (same).

Likewise, to ascertain whether the application of the investigatory exemption is warranted, EPA must have sufficient information to know whether the entire document pertains

¹⁸ *See* Mass. R. Evid. 502 (“**(b)General Rule of Privilege.** A client has a privilege to refuse to disclose and to prevent others from disclosing confidential communications made for the purpose of obtaining or providing professional legal services to the client as follows:(1) between the client or the client's representative and the client's attorney or the attorney's representative,(2) between the client's attorney and the attorney's representative,(3) between those involved in a joint defense,(4) between representatives of the client or between the client and a representative of the client, or(5) among attorneys and their representatives representing the same client.”)

to critical investigatory procedures and sources of information or whether the document only discusses such matters in part. *Rahim v. Dist. Attorney for Suffolk Dist.*, 486 Mass. 544, 551 (Mass. 2020) (“depending on the contents of a particular record, exemption (f) may cover only certain aspects of the record”). Or, whether it pertains to “disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.” *Bos. Globe Media Partners v. Dep't of Criminal Justice Info. Servs.*, 140 N.E.3d 923, 933 (Mass. 2020). Furthermore, the index provided by the AGO must be sufficient to provide “insight as to the confidential nature of the contents.” *Rahim*, 486 Mass. 544, 553 (Mass. 2020) (quoting *Matter of a Subpoena Duces Tecum*, 445 Mass. 685, 690, 840 N.E.2d 470 (2006).”). The index must furthermore set forth “detailed justifications for its claims of exemption.” *Id.* Again, the AGO’s current index lacks the requisite granularity for EPA to argue whether this is indeed the case.

In sum, the AGO’s index of allegedly exempt records merely offers the most minimal of descriptions of the withheld records along with repetitive boilerplate assertions of privilege. Neither the Public Records Act, nor FOIA (on which the Public Records Act is based)¹⁹ allow for the deflating of the presumption of public access to agency records based on repetitive boilerplate. *See e.g., King v. U.S. Dept. of Justice*, 830 F.2d 210, 217 (D.C. Cir. 1987) (“the agency affidavits describe the documents withheld and the justifications for nondisclosure in enough detail and with sufficient specificity to demonstrate that material withheld is logically within the domain of the exemption claimed”); *Wiener v. F.B.I.*, 943 F.2d 972, 978-79 (9th Cir. 1991) (“boilerplate” explanations in an index insufficient to meet burden of showing valid claim

¹⁹ *See Rahim v. Dist. Attorney for Suffolk Dist.*, 486 Mass. 544, 549 (Mass. 2020) (noting the commonality between FOIA and the Massachusetts Public Record Act).

to an exemption); *Neuman v. United States*, 70 F. Supp. 3d 416, 425 (D.D.C. 2014) (“it is not enough to copy and paste the same boilerplate language”).

CONCLUSION

This Court should implement the Gordon Protocol from the sister action to this case. It should do so because the AGO’s aggressive resistance to the release of the requested records violates the spirit of Massachusetts’s Public Records Act and frustrates its goal – an electorate that is promptly informed. It should also implement the Gordon Protocol because the AGO has continued to flout the spirit of the Public Records Act by abusing the usage of exemptions under M.G.L. c. 4 § 7 twenty-sixth, clauses (d) and (f) without providing the requisite and palliative remedy, namely, a sufficiently detailed index that would fairly advance this action in a timely manner, as it must. Finally, implementation of the Gordon Protocol will dramatically economize on judicial resources and indeed those of both the AGO and EPA with little cost to either.

Dated: March 4, 2024

Respectfully Submitted
Energy Policy Advocates
By its attorneys,

/s/ Nathaniel M. Lindzen
Nathaniel M. Lindzen (BBO #689999)
nlindzen@corpfraudlaw.com
Law Office of Nathaniel M. Lindzen
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Dated: March 4, 2024

/s/ Nathaniel M. Lindzen

Exhibit A

COMMONWEALTH OF MASSACHUSETTS

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| Defendants. |) |

(PROPOSED) ORDER OF IMPOUNDMENT

The Court finds that the nineteen records that are the subject of this public records dispute should remain confidential unless and until such time as the Court determines that they are public records under the Public Records Law. Related memoranda of law and a protective order to be filed by the parties, to the extent they also reveal the nature of the contents of the nineteen records, should also remain confidential.

Therefore, pursuant to Rule 8 of Trial Court Rule VIII, Uniform Rules on Impoundment Procedure, it is hereby **ORDERED** that the Motion for Impoundment (which seeks to impound the nineteen records at issue; the related prospective legal memoranda of law referencing or describing same to be filed by the parties; and the protective order to be entered by the Court) **BE ALLOWED**. It is further **ORDERED** that access to the foregoing materials is limited to those parties set forth in Rule 9 of Trial Court Rule VIII, subject to any further limitations to be imposed by the Court or in a protective order to be entered. It is further **ORDERED** that this Order shall remain in effect during the pendency of this action and until further order of the Court.

Justice of the Superior Court

Dated:

Exhibit B

COMMONWEALTH OF MASSACHUSETTS

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(PROPOSED) PROTECTIVE ORDER

Pursuant to the Order issued by the Court on February 1, 2024, directing parties to address an impasse in a dispute arising from purported deficiencies in the Office of the Attorney General’s (“AGO”) production of a Vaughn style index delineating and describing the remaining withheld records and alleged exemptions applicable thereon, Plaintiff, Energy Policy Advocates (“EPA”), proposes the following Protective Order which will provide, for in camera inspection by the Court and availability for “attorney's eyes only,” of the nineteen records that remain at issue (“the subject records”) in this public records case. EPA hereby proposes that the Court enter a protective order setting forth the following terms and conditions:

1. Upon entry of an Order impounding records, and upon entry of a protective order as set forth here, the AGO will provide unredacted copies of the subject records to the Court. In addition, upon the execution by plaintiff's counsel of the agreement attached as Exhibit A, setting forth each party's agreement to abide by and comply with the terms of this Protective Order, the

AGO will provide unredacted copies of the subject records to counsel of record for plaintiffs who sign the agreement set forth as Exhibit A.¹

2. Those counsel for plaintiff to whom the AGO provides unredacted copies of the subject records, in accordance with paragraph 1 above, are prohibited from sharing, with any other person, any of the records or the information contained within them.

3. After the litigation and any subsequent appeals end, those counsel for plaintiff to whom the AGO has provided unredacted copies of the records will promptly destroy and/or return to defendants' counsel all paper copies, as well as electronic copies, of any of the subject records that are not deemed to be public records by the Court. Plaintiff's counsel must certify in writing that they have returned or destroyed those records that are not deemed to be public records.

¹ Although four attorneys have entered appearances in this case on behalf of plaintiff, only two of those attorneys - Robert N. Meltzer and Nathaniel M. Lindzen are actively involved in this case. The AGO will provide unredacted copies of the subject records only to those attorneys who execute the agreement set forth in Exhibit A.

EXHIBIT A

PROTECTIVE ORDER AGREEMENT

I have read the Protective Order issued by the Superior Court in Energy Policy Advocates v. Healey, Civil Action No. 2084CV01858. I understand the terms of the Order and agree to be fully bound by its terms. I further agree to submit to the jurisdiction of the Superior Court for purposes of enforcing the Order.

Printed Name

Signature

Date: _____

Exhibit C

Categories of Documents Withheld or Redacted in Response to January 17, 2020 Public Records Request

| | Number of Items | Withheld/ Redacted Record(s) | Exemption(s) | Withheld or Redacted? | Explanation |
|---|-----------------|---|--|---------------------------------|--|
| 1 | 2 | Attorney email discussing and attaching CIA in regards to State-NGO Light Duty matter | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege and common interest doctrine | Email withheld and CIA redacted | Email discussing litigation strategy pursuant to CIA, and redacted CIA. |
| 2 | 2 | Email concerning AAG meeting with CLF attorney | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 3 | 2 | Email regarding Navy Yard Four case | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone and email information |
| 4 | 2 | Email regarding candidate for NH office of energy and planning | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 5 | 6 | Emails regarding LNG solution set modeling | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 6 | 10 | Emails regarding motion/notice of intervention in FERC CP16-21-000 proceeding | M.G.L. c. 4, § 7, cl. 26(d); attorney-client privilege; work product | withheld | emails relate to policy positions being developed by the AGO. emails discuss litigation strategy under common interest doctrine. |
| 7 | 11 | Emails regarding BASG event | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone and email information |
| 8 | 1 | Email regarding NSGP flyer | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal email information |

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| 9 | 1 | Email regarding Algonquin Tariff Filing | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 10 | 1 | Email regarding copy of Year One assessment of Executive Office of Energy and Environmental Affairs | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 11 | 1 | Email regarding Sharon Selectmen | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal email information |
| 13 | 1 | Email with CLF attorney about carpooling | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 14 | 1 | Email between CLF attorney and AAG about meeting | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 15 | 1 | Email from CLF attorney to AAGs regarding a study being issued to discuss natural gas issues | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 16 | 6 | Email regarding Sharon Pipeline Forum | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone and email information |
| 17 | 1 | Email regarding PSNH Rebuttal testimony in divesture docket | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 18 | 1 | Emails to AAG regarding investigative matter and NRD claims | M.G.L. c. 4, § 7, cl. 26 (f) | Withheld | Relates to AGO investigation. |
| 19 | 1 | Email re: DOC response to MMPA Imports letter | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone information |
| 20 | 4 | Email regarding Suffolk Law panel on civil rights and the environment | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone and email information |
| 21 | 1 | Email regarding speaking at ENV Law Career Panel | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone number |

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| 22 | 2 | Email confirming appointment at Whaling Museum New Bedford to AAG | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone number |
| 23 | 1 | Emails regarding Attorney General meeting | M.G.L. c. 4, § 7, cl. 26(c), | redacted | redaction of personal cell phone and email information |
| 24 | 1 | Email asking AAG to call regarding investigative matter. | M.G.L. c. 4, § 7, cl. 26 (f) | Withheld | Relates to AGO investigation. |
| 25 | 1 | Attorney emails regarding potential legal action relating to Clean Power Plan stay decision | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; work product | Withheld | Relates to development of AGO policy positions; subject to common interest doctrine |

Categories of Documents Withheld or Redacted in Response to March 7, 2020 Public Records Request

| | Number of Items | Withheld/ Redacted Record(s) | Exemption(s) | | Withheld or Redacted? | Explanation |
|---|-----------------|--|-----------------------------------|---|-----------------------|--|
| 1 | 6 | Emails forwarding External Environmental Economics Advisory Committee Report on the Proposed Changes to the Federal Mercury and Air Toxics Standards | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product; attorney-client privileged | Withheld | Attorney communications relating to MATS litigation; subject to common interest doctrine. |
| 2 | 1 | Email concerning programming notes and call schedules for multistate AG coordination conference calls | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney-client privileged | Withheld | Relates to development of AGO policy positions. Subject to common interest doctrine. |
| 3 | 18 | Emails and calendar invitations concerning meeting to discuss upcoming deposition | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to AGO litigation strategy in State of New York, <i>et al. v. U.S. EPA, et al.</i> , No. 18-cv-0773 (D.D.C.) |
| 4 | 11 | AGO attorney emails discussing whether AG should comment on proposed EPA rule | M.G.L. c. 4, § 7, cl. 26(d), | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Contains legal advice and attorney mental impressions and opinions. |
| 5 | 20 | AGO attorney emails concerning development of plan for publicizing AGO video calling for ISO market rules for affordable clean energy | M.G.L. c. 4, § 7, cl. 26(d) | | Withheld | Relates to development of AGO policy positions and communications strategy. |
| 6 | 9 | AGO attorney mails (with attachments) discussing the withdrawal of an EPA ICR as it relates to litigation | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to AGO litigation strategy in State of New York, <i>et al. v. U.S. EPA, et al.</i> , No. 18-cv-0773 (D.D.C.) |
| 7 | 35 | Attorney emails concerning meeting with various state AGOs to discuss potential litigation regarding GHG standards. | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | withheld | Attorney communications subject to GHG CIA. Relates to development of AGO policy positions and litigation strategy. |

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| 8 | 9 | AGO attorney and legal intern emails concerning the timeline for key players in EPA litigation | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney communications related to litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.) |
| 9 | 9 | Attorney emails concerning timeline developed for litigation purposes, relating to EPA rulemaking and related actions | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney client privilege | Withheld | Relates to development of AGO policy positions. Attorney communications related to litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 10 | 2 | Email chain relating to press plan, providing names of people invited to the NAAG conference | M.G.L. c. 4, § 7, cl. 26(d), | | Withheld | Relates to development of AGO policy positions and communications strategy. |
| 11 | 1 | AGO attorney emails relating to litigation strategy call on discovery and depositions. | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 12 | 2 | AGO attorney emails concerning deposition outline and documents relevant to litigation | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |

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| 13 | 4 | AGO attorney email providing case summary memorandum prepared by attorney. | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney communications concerning litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 14 | 1 | AGO attorney email concerning whether to join a multistate lawsuit relating to EPA | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney email providing legal advice and opinions concerning pursuit of potential litigation. |
| 15 | 2 | Attorney email discussion of the implications of EPA's implementation of final rule | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Contains attorney communications subject to CIA relating to potential litigation. |
| 16 | 24 | Documents relating to development of communications and press policy for roll-out of energy markets video | M.G.L. c. 4, § 7, cl. 26(d) | | Withheld | Relates to development of AGO policy positions and communications strategy. |
| 17 | 2 | EPA email concerning methane (subject to protective order) | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Subject to protective order in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). |
| 18 | 17 | Email chains between various state AGOs and parties in common concerning deposition preparation, document review, and an annotated privilege log | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney communications concerning litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 19 | 1 | MA AAGs email concerning the External Economics Advisory Committee Report on the Proposed Changes to the Federal Mercury and Air Toxics Standards | M.G.L. c. 4, § 7, cl. 26(d), | Attorney work-product, attorney-client privilege | Withheld | Communication with consultant retained for MATS litigation |

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| 20 | 1 | Email chain between various state AGOs concerning informational meeting regarding GHG standards. | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relating to potential litigation strategy and AGO investigation. Subject to GHGs CIA. |
| 21 | 1 | Email chain discussing the MATS finding withdrawal | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Related to development of AGO policy positions. Attorney communications subject to MATS CIA. |
| 22 | 4 | Spreadsheets containing key players in the EPA | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Internal legal analysis related to State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). |
| 23 | 20 | Email chain among MA AGO and other parties in common discussing SAB report on MATS revised finding | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Attorney communications, including litigation strategy. Subject to MATS CIA. |
| 24 | 6 | Internal MA AAGs and supervising attorney email chain discussing an internal draft of GHG standards memo | M.G.L. c. 4, § 7, cl. 26(d), (f); | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO legal and policy positions. Contains attorney communications subject to GHGs CIA. |
| 25 | 9 | Internal emails between MA AAGs and press dept. discussing a draft release plan for a White Paper release meeting | M.G.L. c. 4, § 7, cl. 26(d), | Attorney work-product, attorney-client privilege | Withheld | Relates to development of AGO policy positions and communications strategy. |
| 26 | 13 | Invitation for Multistate AG Coordination Call | M.G.L. c. 4, § 7, cl. 26(b) | | Redacted | Phone numbers redacted. |
| 27 | 2 | Invitation for NAAQS call | M.G.L. c. 4, § 7, cl. 26(b) | | Redacted | Phone numbers redacted. |
| 28 | 4 | Invitation to Litigation Strategy Discussion among AGOs | M.G.L. c. 4, § 7, cl. 26(b), (d), (f); | | Redacted | Redacted information relates to development of AGO litigation strategy and policy positions. Subject to CIA. |

Categories of Documents Withheld or Redacted in Response to April 28, 2020 Public Records Request

| | Number of Items | Withheld/ Redacted Record(s) | Exemption(s) | Withheld or Redacted? | Explanation |
|---|-----------------|--|---|-----------------------|---|
| 1 | 5 | Email chain concerning Energy Policy Advocates public records request | M.G.L. c. 4, § 7, cl. 26(d), | Redacted | Attorney discussion of plan for responding to public records request |
| 2 | 12 | Attorney emails and memoranda discussing whether to pursue litigation regarding GHG standards. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney emails and memoranda providing legal advice and opinions concerning pursuit of potential litigation |
| 3 | 17 | Attorney emails and draft pleadings concerning pursuit of potential litigation regarding rollback of federal greenhouse gas emission standards for cars and trucks | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney emails and memoranda providing legal advice and opinions concerning pursuit of potential litigation. Drafts of court pleadings subject to CIA. |
| 4 | 107 | Attorney emails relating to, and drafts of, amicus brief for case concerning linkage between California and Quebec's cap-and-trade program | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; work product | Withheld | Relates to development of AGO policy positions. Contains attorney-client communications and attorney mental impressions and comments on draft amicus brief in USA v. State of California, et al., No. 19-cv-02142 (E.D. Cal.) |
| 5 | 26 | Attorney drafts of court filing in NY vs. EPA on deliberative process privilege and related attorney emails | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 6 | 14 | Attorney drafts of brief in NY vs. NHTSA, with associated attorney emails | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of New York, et al. v. NHTSA, No. 19-2395 (2nd Cir.). Subject to CIA. |

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| 7 | 5 | Attorney emails concerning a multistate call regarding whether to challenge EPA policy. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications concerning whether to pursue potential litigation. Subject to common interest doctrine. |
| 8 | 2 | Attorney emails concerning the court's ruling in California-Quebec cap and trade lawsuit | Attorney-client privilege; attorney work product | Withheld | Attorney communications and mental impressions concerning litigation in USA v. State of California, et al., No. 19-cv-02142 (E.D. Cal.). Subject to CIA. |
| 9 | 6 | Emails concerning article about constitutionality of certain state and local actions on climate change | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Attorney communications subject to CIA. |
| 10 | 3 | AGO attorney email discussing and attaching internal litigation approval memos | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Contains attorney-client communications and attorney mental impressions and opinions concerning litigation |
| 11 | 39 | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 12 | 1 | Internal authorizations tracking spreadsheet | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Contains internal discussion of AGO litigation and investigations. |
| 13 | 7 | Attorney drafts of petition for court review of MATS revised finding (EPA) rule, and related attorney communications concerning petition and associated legal research memoranda | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications on draft court petition and attorney mental impressions concerning litigation. |
| 14 | 1 | Attorney memorandum requesting approval to join lawsuit challenging EPA rulemaking relating to the chemical disaster rule | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications containing legal advice and opinions on potential litigation. |

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| 15 | 5 | Attorney email discussing major developments in the work of the AGO's Energy and Environmental Bureau - March 2020+Jan 2020 | M.G.L. c. 4, § 7, cl. 26(d),(f), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Relates to AGO investigations. Attorney communications discussing legal strategy and progress of litigation and investigations. |
| 16 | 2 | AGO attorney emails discussing upcoming multistate call | M.G.L. c. 4, § 7, cl. 26(d),(f), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 17 | 4 | Attorney emails and attached legal research memorandum discussing the MATS revised finding rule | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney communications concerning legal research and potential litigation. |
| 18 | 2 | Attorney emails discussing drafting and content of amicus brief in California-Quebec cap-and-trade litigation. | M.G.L. c. 4, § 7, cl. 26(d),(f), attorney-client privilege, attorney work product | Withheld | Attorney communications and mental impressions concerning litigation in USA v. State of California, et al., No. 19-cv-02142 (E.D. Cal.). Subject to CIA. |
| 19 | 2 | Attorney emails discussing and attaching memorandum regarding legal strategy for addressing the EPA's rollback of greenhouse gas emission standards for cars | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications containing legal advice and opinions on potential litigation. |
| 20 | 6 | Draft deposition outline and attorney emails discussing such outline in NY vs. EPA litigation | M.G.L. c. 4, § 7, cl. 26(d); attorney-client privilege; attorney work product. | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 21 | 2 | Attorney email and analysis/chart discussing DOJ document productions and DOJ privilege log in NY vs. EPA | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.). Subject to CIA. |
| 22 | 1 | Email forwarding deposition transcript in NY vs. EPA | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product. | Withheld | Attorney communications relating to conduct of litigation in State of New York, et al. v. U.S. EPA, et al., No. 18-cv-0773 (D.D.C.) Subject to CIA. |

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| 23 | 1 | Attorney emails discussing multistate Toxic Substances Control Act ("TSCA") litigation | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy in State of California, et al. v. EPA, 19-cv-03807 (N.D. Cal.). Subject to CIA. |
| 24 | 3 | Attorney emails discussing key pleadings in Migratory Bird Treaty Act ("MBTA ") litigation and comments on MBTA rulemaking. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing legal strategy. Subject to CIA. |
| 25 | 1 | Email and agenda regarding multistate call to discuss various litigation matters and administrative proceedings | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation and legal strategy. Subject to common interest doctrine. |
| 26 | 1 | AGO attorney email regarding Pathways Studies / GHG emission reduction | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney-client communication. |
| 27 | 1 | AGO attorney email regarding missed call on "pipeline" brief | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney-client communication on legal document. |
| 28 | 4 | Email to AGO attorneys attaching article on "Forever Chemical" litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions and potential litigation strategy. |
| 29 | 7 | AGO attorney emails and attached attorney-prepared memorandum regarding nature and status of state and municipal climate lawsuits in various jurisdictions | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications regarding litigation. |
| 30 | 4 | Memorandum prepared by AGO attorney discussing and distinguishing 9th Circuit case. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication and memorandum containing attorney mental impressions and litigation strategy. |
| 31 | 2 | AGO attorney email discussing and attaching draft brief in Com. of MA v. Exxon Mobil Corp. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy in Com. of Mass. v. Exxon Mobil Corp. litigation. |

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| 32 | 1 | AGO attorney email attaching and discussing article relevant to draft amended complaint in Com. of Mass. v. Exxon Mobil litigation | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 33 | 2 | AGO attorney memorandum and cover email discussing documents received from third party in response to CID relating to Exxon | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 34 | 23 | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 35 | 1 | AGO attorney email forwarding Rule 28(j) letter filed in a First Circuit case and agenda relating to meeting to discuss Com. of Mass. v. Exxon Mobil litigation | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 36 | 2 | AGO attorney emails discussing draft document relating to Com. of Mass. v. Exxon Mobil litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and attorney work product re: Com. of Mass. v. Exxon Mobil litigation |
| 37 | 1 | AGO attorney email regarding court filings in RI climate case | attorney-client privilege | Withheld | AGO attorney communication regarding court filing in State of Rhode Island v. Shell Oil Products, et al., U.S. Ct. of App. for 1st Cir., No. 19-1818. |
| 38 | 22 | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 39 | 2 | Cover email plus spreadsheet regarding caseload for AAGs | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; work product | Withheld | Relates to development of AGO policy positions. Attorney discussion of AGO investigations and litigation matters. |

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| 40 | 5 | AGO attorney email plus draft redlined discovery request to defendant Exxon Mobil | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 41 | 1 | Emails with expert relating to Exxon litigation | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 42 | 2 | AGO attorney approval request regarding taking position on federal Asbestos Ban Bill | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications conveying legal advice and discussing litigation. |
| 43 | 5 | AGO attorney emails discussing article about Op-ed in Boston Business Journal regarding climate lawsuits | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege | Withheld | Relates to development of AGO policy positions. Attorney-client communications regarding Com. of Mass. v. Exxon Mobil litigation and related investigation |
| 44 | 2 | AGO attorney email discussing status and next steps in Ozone/FIPs deadline litigation, with attached draft of summary judgment brief. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications and work product discussing litigation strategy in State of New Jersey, et al. v. US EPA, No. 20-cv-1425 (S.D.N.Y.) |
| 45 | 1 | Draft of complaint in US & MA v. Sprague Resources LP | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications and work product in U.S.A. and Com. of Mass. v. Sprague Resources, LLP litigation (D.Mass.). Subject to joint prosecution agreement. |
| 46 | 1 | Attorney emails regarding court filings in CA v Chao | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications discussing litigation strategy and developments in State of California, et al. v. Chao, 19-cv-2826 (D.D.C.). Subject to CIA |

| | | | | | |
|----|----|---|--|----------|--|
| 47 | 3 | Attorney emails regarding attached draft complaint and parallel NGO complaint relating to ozone/FIPS deadline litigation. | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications and work product discussing potential litigation and related investigation. Subject to CIA. |
| 48 | 9 | AGO attorney emails and memorandum regarding approval of suit against Tremblay's Bus, with attached draft complaint and notice letter | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications containing legal advice and recommendations on potential litigation. |
| 49 | 14 | Bi-weekly reports from attorney head of Energy and Environment Bureau to AG plus related emails | M.G.L. c. 4, § 7, cl. 26(d), (f), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Attorney-client communications concerning litigation, potential litigation, and investigations of AGO. |
| 50 | 2 | Emails regarding decision in climate litigation in 4th Circuit | M.G.L. c. 4, § 7, cl. 26(d); attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Reveals attorney mental impressions concerning effect of legal decision. |
| 51 | 1 | Email regarding an article about Honolulu suing Fossil Fuels Co. plus complaint | M.G.L. c. 4, § 7, cl. 26(d); attorney work product; attorney-client privilege | Withheld | Relates to development of AGO policy positions. Reveals attorney mental impressions. |
| 52 | 9 | Emails regarding Natural Gas Pipeline matter and potential amicus brief | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions and potential involvement in litigation. Covered by common interest doctrine. |
| 53 | 7 | Attorney emails regarding public records requests from Energy Policy Advocates to various states. | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; work product | Withheld | Relates to development of AGO policy positions. Attorney communications containing attorney mental impressions. Subject to CIA. |
| 54 | 1 | Attorney emails regarding caselaw on standing | M.G.L. c. 4, § 7, cl. 26(d); attorney-client privilege; attorney work product | Withheld | Relates to development of AGO policy positions. Attorney communications on litigation strategy. Subject to CIA |

| | | | | | |
|----|---|--|---|----------|---|
| 55 | 2 | Attorney emails regarding Quebec linkage case, including on draft amicus brief, draft motion for leave to file, and CA brief | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Withheld | Relates to development of AGO policy positions. Contains attorney-client communications and attorney mental impressions regarding draft amicus brief in USA v. State of California, et al., No. 19-cv-02142 (E.D. Cal.). Subject to CIA |
|----|---|--|---|----------|---|

Exhibit D



Securities Whistleblower <corpfraudlaw@gmail.com>

Re EPA v Maura Healey, Civil Action No.: 2084CV01858

Fahey, Katherine (AGO) <Katherine.Fahey@mass.gov>

Wed, Nov 8, 2023 at 3:55 PM

To: Nathaniel Lindzen <nindzen@corpfraudlaw.com>, "info@mountainstateslawgroup.com" <info@mountainstateslawgroup.com>

Cc: "Weitzel, Richard (AGO)" <Richard.Weitzel@mass.gov>

Nathaniel, Rob,

Thank you for taking the time to speak with us yesterday. In light of our discussion, we wanted to circle back to confirm our understanding of your request. We understand that you are interested in item-by-item detail for documents that fall under the below categories identified in the previously produced indices and that you will not be pursuing (but reserve your rights) as to the other categories.

Jan. Public Records Request: Categories No. 18 and 24

April Public Records Request: Categories No. 9, 11, 29, 30, 31, 32, 33-38, 40, 41, 43, 50, 51

Can you please confirm that we have captured this list and our discussion accurately?

In terms of timing, we are working with our Public Records colleagues to determine a realistic timeline for providing an index with item-by-item detail and will plan to circle back in the next week or so with a reasonably firm date of when we can provide the requested additional information.

Best,

Kat

Katherine M. Fahey, she/her/hers

Assistant Attorney General

Office of the Attorney General of Massachusetts

Direct: (617) 963-2078

Katherine.Fahey@mass.gov

Exhibit E

Energy Policy Advocates v. Office of the Attorney General
2084-cv-01858, Suffolk Superior
Index of Withheld Documents in Response to Public Records Requests
Revised January 30, 2024

| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|-------------------|--|----|-----------------|------------------|--|---|---|
| 1 / HARDIN0000549 | AAG Melissa Hoffer/Bradley Campbell, Conservation Law Foundation | | 1/20/16 2:57 PM | email | Emails to AAG regarding investigative matter and NRD claims | M.G.L. c. 4, § 7, cl. 26 (f) | Relates to AGO investigation. |
| 2 | Email chain b/w AAsG Brian Clappier, Christophe Courchesne, Timothy Reppucci | | 2/1/20 3:48 AM | email | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 3 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 4 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 5 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 6 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 7 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 8 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |

Energy Policy Advocates v. Office of the Attorney General
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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|------------------------|----|----------------|------------------|--|---|---|
| 9 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 10 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 11 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 12 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 13 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 14 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 15 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 16 | attachment to 2 | | 2/1/20 3:48 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |

Energy Policy Advocates v. Office of the Attorney General
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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|--|---|------------------|------------------|--|---|--|
| 17 | Christophe Courchesne/EPD federal litigation attorneys and staff | | 2/6/20 1:46 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 18 | attachment to 17 | | 2/6/20 1:46 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 19 | attachment to 17 | | 2/6/20 1:46 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 20 | AAG Megan Herzog/Steve Novick, Oregon AGO | AAG David Frankel | 2/10/20 3:12 PM | email | Email and attachment concerning article about constitutionality of certain state and local actions on climate change | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Attorney communications subject to CIA. |
| 21 | Attachment to 20 | | 2/10/20 3:12 PM | attachment | Email and attachment concerning article about constitutionality of certain state and local actions on climate change | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Attorney communications subject to CIA. |
| 22 | AAG Christophe Courchesne/EPD federal litigation attorneys and staff | | 2/12/20 12:26 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 23 | Attachment to 22 | | 2/12/20 12:26 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 24 | attachment to 22 | | 2/12/20 12:26 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 25 | Sharmila Murthy/AAG David Frankel | AAG Megan Herzog, AAG Christophe Courchesne | 2/14/20 4:05 PM | email | Email concerning article about constitutionality of certain state and local actions on climate change | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Attorney communications subject to CIA. |
| 26 | AAG Christophe Courchesne/EPD federal litigation attorneys and staff | | 2/19/20 12:08 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 27 | Elizabeth Klein, NYU/AAG Christophe Courchesne, AAG Melissa Hoffer, AAG Rebecca Tepper | David Hayes & Jessica Rachel Bell, NYU | 2/25/20 8:58 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 28 | Attachment to 27 | | 2/25/20 8:58 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |

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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|--|---------------------------|-----------------|------------------|--|---|--|
| 29 | Attachment to 27 | | 2/25/20 8:58 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 30 | AAG Christophe Courchesne/AAG David Frankel forwarding Elizabeth Klein, NYU/AAsG Christophe Courchesne, Melissa Hoffer, Rebecca Tepper | | 2/26/20 2:16 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 31 | AAG David Franke/EPD federal litigation attorneys and staff | AAG Christophe Courchesne | 2/26/20 3:18 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 32 | Attachment to 31 | | 2/26/20 3:18 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 33 | attachment to 31 | | 2/26/20 3:18 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 34 | Email chain b/w AAsG David Frankel, Turner Smith, Christophe Courchesne, Megan Herzog, Andy Goldberg, Matthew Ireland | | 2/26/20 4:02 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 35 | attachment to 34 | | 2/26/20 4:02 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 36 | Attachment to 34 | | 2/26/20 4:02 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 37 | AAG Christophe Courchesne/EPD federal litigation attorneys and staff | | 3/4/20 12:31 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 38 | Attachment to 37 | | 3/4/20 12:31 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 39 | Attachment to 37 | | 3/4/20 12:31 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |

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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|--|--------------------|-----------------|------------------|--|--|--|
| 40 | AAG, MD AGO/Multiple AGOs, including MA AGO | | 3/6/20 4:05 PM | email | Emails regarding decision in climate litigation in 4th Circuit (4) | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Reveals attorney mental impressions concerning effect of legal decision. |
| 41 | AAG Timothy Reppucci/AAG Christophe Courchesne | | 3/6/20 10:25 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 42 | attachment to 41 | | 3/6/20 10:25 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 43 | Email chain b/w AAsG Timothy Reppucci & Christophe Courchesne | | 3/9/20 12:42 PM | email | AGO attorney emails discussing draft document relating to Com. of Mass. v. Exxon Mobil litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and attorney work product re: Com. of Mass. v. Exxon Mobil litigation |
| 44 | AAG Timothy Reppucci/AAG Christophe Courchesne | Jessica Young, AGO | 3/9/20 3:00 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 45 | attachment to 44 | | 3/9/20 3:00 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 46 | attachment to 44 | | 3/9/20 3:00 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 47 | AAG Christophe Courchesne/Jessica Young, AGO forwarding 220189.1 | | 3/9/20 3:52 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |

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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|--|----|------------------|------------------|---|---|---|
| 48 | attachment to 47 | | 3/9/20 3:52 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 49 | attachment to 47 | | 3/9/20 3:52 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 50 | AAG Seth Schofield/AAsG Richard Johnston, Melissa Hoffer, Shennan Kavanaugh, Matthew Berge, Andy Goldberg, Brian Clappier, Christophe Courchesne, Timothy Reppucci, Sigmund Roos, Taylor O'Hare | | 3/10/20 2:32 PM | email | AGO attorney email forwarding Rule 28(j) letter filed in a First Circuit case and agenda relating to meeting to discuss Com. of Mass. v. Exxon Mobil litigation | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 51 | AAG Christophe Courchesne/EPD federal litigation attorneys and staff | | 3/11/20 12:59 AM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 52 | attachment to 51 | | 3/11/20 12:59 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 53 | attachment to 51 | | 3/11/20 12:59 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 54 | attachment to 51 | | 3/11/20 12:59 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 55 | attachment to 51 | | 3/11/20 12:59 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 56 | AAG Seth Schofield/ Richard Johnston, Melissa Hoffer, Shennan Kavanaugh, Matthew Berge, Andy Goldberg, Brian Clappier, Former AAG Christophe Courchesne, Former AAG Timothy Reppucci, Sigmund Roos, Taylor O'Hare, AGO Paralegal | | 3/11/20 2:07 PM | email | AGO attorney email regarding court filings in RI climate case | attorney-client privilege | AGO attorney communication regarding court filing in State of Rhode Island v. Shell Oil Products, et al., U.S. Ct. of App. for 1st Cir., No. 19-1818. |

Energy Policy Advocates v. Office of the Attorney General
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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|---|--------------------|------------------|------------------|--|---|---|
| 57 | AAG Timothy Reppucci/AAG Christophe Courchesne | AAG Brian Clappier | 3/11/20 10:26 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 58 | attachment to 57 | | 3/11/20 10:26 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 59 | Email chain b/w AAsG Melissa Hoffer, Richard Johnston Rebecca Tepper, Christophe Courchesne and Chloe Gotsis, Emalie Gainey, and Jillian Fennimore, AGO Comms | | 3/13/20 7:30 PM | email | AGO attorney emails discussing article about Op-ed in Boston Business Journal regarding climate lawsuits | M.G.L. c. 4, § 7, cl. 26(d), (f); attorney-client privilege | Relates to development of AGO policy positions. Attorney-client communications regarding Com. of Mass. v. Exxon Mobil litigation and related investigation |
| 60 | email chain b/w AAsG Christophe Courchesne and Melissa Hoffer | | 3/16/20 11:47 PM | email | AGO attorney emails and attached attorney-prepared memorandum regarding nature and status of state and municipal climate lawsuits in various jurisdictions | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communications regarding litigation. |
| 61 | attachment to 60 | | 3/16/20 11:47 PM | attachment | AGO attorney emails and attached attorney-prepared memorandum regarding nature and status of state and municipal climate lawsuits in various jurisdictions | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communications regarding litigation. |
| 62 | attachment to 60 | | 3/16/20 11:47 PM | attachment | AGO attorney emails and attached attorney-prepared memorandum regarding nature and status of state and municipal climate lawsuits in various jurisdictions | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communications regarding litigation. |
| 63 | Christophe Courchesne/EPD federal litigation attorneys and staff | | 3/18/20 12:19 PM | | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 64 | attachment to 63 | | 3/18/20 12:19 PM | | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 65 | attachment to 63 | | 3/18/20 12:19 PM | | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |

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| Record Number | Sender(s)/Recipient(s) | CC | Family Date | Type of Document | Subject | Exemption(s) | Explanation |
|---------------|---|--------------------|------------------|------------------|--|---|---|
| 66 | AAG Jim Sweeney/AAsG Richard Johnston, Melissa Hoffer, Seth Schofield, Christophe Courchesne, Matthew Berge | | 3/18/20 1:12 PM | email | AGO attorney email discussing and attaching draft brief in Com. of MA v. Exxon Mobil Corp. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy in Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 67 | attachment to 66 | | 3/18/20 1:12 PM | attachment | AGO attorney email discussing and attaching draft brief in Com. of MA v. Exxon Mobil Corp. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy in Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 68 | AAG Brian Clappier/AAG Christophe Courchesne and AAG Timothy Reppucci | | 3/20/20 5:59 PM | | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 69 | attachment to 68 | | 3/20/20 5:59 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 70 | AAG Christophe Courchesne/Michelle Predi, AGO | Jessica Young, AGO | 3/31/20 7:28 PM | email | AGO attorney emails and attached attorney-prepared memorandum regarding nature and status of state and municipal climate lawsuits in various jurisdictions | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communications regarding litigation. |
| 71 | attachment to 70 | | 3/31/20 7:28 PM | attachment | Memorandum prepared by AGO attorney discussing and distinguishing 9th Circuit case. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Attorney-client communication and memorandum containing attorney mental impressions and litigation strategy. |
| 72 | AAG Timothy Reppucci/AAsG Christophe Courchesne & Brian Clappier | | 3/31/20 10:17 PM | email | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 73 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |

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|---------------|---|----|------------------|------------------|--|---|---|
| 74 | attachment to 72 | | 3/31/20 12:00 AM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 75 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 76 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 77 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 78 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 79 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 80 | attachment to 72 | | 3/31/20 10:17 PM | attachment | AGO attorney emails forwarding and discussing attorney-prepared summaries of trial testimony in New York trial; AGO attorney emails discussing potential claims against Exxon. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney work product and mental impressions. Relates to potential Exxon litigation. |
| 81 | AAG Brian Clappier/AAG Christophe Courchesne and AAG Timothy Reppucci | | 4/7/20 6:43 PM | email | AGO attorney memorandum and cover email discussing documents received from third party in response to CID relating to Exxon | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |

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|---------------|--|---|-----------------|------------------|---|---|--|
| 82 | attachment to 81 | | 4/7/20 6:43 PM | attachment | AGO attorney memorandum and cover email discussing documents received from third party in response to CID relating to Exxon | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 83 | AAG Shennan Kavanaugh/AAG Richard Johnston | AAsG Melissa Hoffer, Matthew Berge, Andy Goldberg, Brian Clappier, Christophe Courchesne, Timothy Reppucci, Jim Sweeney | 4/10/20 5:55 PM | email | AGO attorney email plus draft redlined discovery request to defendant Exxon Mobil | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 84 | attachment to 83 | | 4/10/20 5:55 PM | attachment | AGO attorney email plus draft redlined discovery request to defendant Exxon Mobil | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 85 | AAG Tim Reppucci/AAG Christophe Courchesne | AAG Brian Clappier | 4/13/20 9:45 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 86 | attachment to 85 | | 4/13/20 9:45 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 87 | attachment to 85 | | 4/13/20 9:45 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 88 | Two emails from AAG Christophe Courchesne/AAG Melissa Hoffer | AAsG Jim Sweeney, Lilia DuBois, Glenn Kaplan, Brian Clappier, Timothy Reppucci, Shennan Kavanaugh, Andy Goldberg | 4/14/20 1:01 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |

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|---------------|--|---|-----------------|------------------|--|---|--|
| 89 | attachment to 88 | | 4/14/20 1:01 PM | attachment | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 90 | AAG Shennan Kavanaugh/AAG Richard Johnston | AAsG Melissa Hoffer, Matthew Berge, Andy Goldberg, Brian Clappier, Christophe Courchesne, Timothy Reppucci, Jim Sweeney, Sigmund Roos, Seth Schofield | 4/14/20 6:06 PM | email | AGO attorney email plus draft redlined discovery request to defendant Exxon Mobil | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 91 | attachment to 90 | | 4/14/20 6:06 PM | attachment | AGO attorney email plus draft redlined discovery request to defendant Exxon Mobil | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 92 | attachment to 90 | | 4/14/20 6:06 PM | attachment | AGO attorney email plus draft redlined discovery request to defendant Exxon Mobil | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |
| 93 | Christophe Courchesne/EPD federal litigation attorneys and staff | | 4/15/20 1:08 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 94 | Attachment to 93 | | 4/15/20 1:08 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 95 | Attachment to 93 | | 4/15/20 1:08 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 96 | Email chain b/w AAsG Timothy Reppucci and Christophe Courchesne and confidential litigation consultant | | 4/15/20 5:27 PM | email | Email chain with expert relating to Exxon litigation | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy and work product re: Com. of Mass. v. Exxon Mobil Corp. litigation. |

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|---------------|---|--|------------------|------------------|--|---|---|
| 97 | Elizabeth Klein, NYU/AAG Christophe Courchesne, AAG Melissa Hoffer, AAG Rebecca Tepper | David Hayes & Jessica Rachel Bell, NYU | 4/21/20 7:36 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 98 | Christophe Courchesne/EPD federal litigation attorneys and staff | | 4/22/20 12:48 PM | email | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 99 | attachment to 98 | | 4/22/20 12:48 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 100 | attachment to 98 | | 4/22/20 12:48 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 101 | attachment to 98 | | 4/22/20 12:48 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 102 | attachment to 98 | | 4/22/20 12:48 PM | attachment | Email chain discussing and attaching weekly updates from the State Energy and Environmental Impact Center at NYU | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege, attorney work product | Relates to development of AGO policy positions. Contains attorney discussion of legal issues and litigation. |
| 103 | Email chain b/w AAsG Andy Goldberg, Richard Johnston, Melissa Hoffer, Shennan Kavanaugh, Matthew Berge, Brian Clappier, Christophe Courchesne, Timothy Reppucci | | 4/23/20 2:22 PM | email | AGO attorney emails regarding draft amended complaint in Exxon litigation. | M.G.L. c. 4, § 7, cl. 26(d), attorney-client privilege; attorney work product | Relates to development of AGO policy positions. Attorney-client communication concerning litigation strategy re: Com. of Mass. v. Exxon Mobil Corp. litigation. |