

From: McCullough, Stephen [mailto:SMcCullough@oag.state.va.us]
Sent: Wednesday, March 31, 2010 3:54 PM
To: 'david@vademocrats.org'
Cc: Myer, Janice; Mangrum, Sharon Y.; Gottstein, Brian J.
Subject: FW: FOIA request



RESPONSE TO REQUEST FOR RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Dear Mr. Mills,

Enclosed please find the Office's response to your request. I have inserted the responses underneath each request. Please note that the Freedom of Information Act does not require the Office to generate records that do not exist. Rather, it requires the office to produce non-privileged records that are in existence.

Sincerely,

Stephen R. McCullough

Senior Appellate Counsel

From: David Mills [mailto:david@vademocrats.org]
Sent: Wednesday, March 24, 2010 2:02 PM
To: mailoag
Subject: ATTN: Jan Myer

We have attempted several times to send this request by fax machine. Can you verify that you have received this?

Thanks so much,
Dave

Dear Freedom of Information Officer:

I am making a request under the Virginia Freedom of Information Act (§2.2-3700, et seq.).

I am requesting the following materials from the Office of the Attorney General of Virginia regarding the case Commonwealth of Virginia v. Sebelius, filed March 23 in the United States District Court for the Eastern District of Virginia:

- A comprehensive list of attorneys within the Office of the Attorney General -- including Attorney General Cuccinelli -- who have spent staff time on Virginia v. Sebelius, and the divisions within the Office of Attorney General to which they report if applicable.

No such record exists.

- Any and all hour logs of paid staff time spent on Virginia v. Sebelius by Attorney General Cuccinelli and other attorneys or staff members in the Office of the Attorney General. Any and all records or accounting of the cost of such staff work to Virginia taxpayers.

No such record exists.

- A comprehensive list of any outside law firms that the Office of the Attorney General has contracted to assist in the preparation of Virginia v. Sebelius, and copies of contracts if applicable.

No such record exists.

- A comprehensive list of conference calls that Attorney General Cuccinelli or the Office of Attorney General has participated in with other states attorneys general and/or national organizations, pertinent to the case of Virginia v. Sebelius.

No such record exists.

- All written correspondence, including e-mails and letters, between the Office of the Attorney General and the offices of the attorney generals of Florida, South Carolina, Alabama, Colorado, Idaho, Louisiana, Michigan, Nebraska, Pennsylvania, South Dakota, Texas, Utah, or Washington, or with Liberty University, or with staff members or consultants working for the Republican Attorney Generals Association, the Republican State Leadership Committee or the Republican National Committee, pertinent to the case of Virginia v. Sebelius.

Any such records would be protected as working papers of the Attorney General, Virginia Code section 2.2-3705.7(2), written advice of legal counsel, 2.2-3705.1(2), as well as be shielded from disclosure under the work product exception, 2.2-3705.1(3). Approximately 40 records are in our

possession, consisting of letters and electronic mail messages.

- The schedule of the Attorney General, including location and any scheduled television interviews in the Washington, D.C., metro area, during the period from January 16 through March 24, 2010.

Any such records would be protected as working papers of the Attorney General, Virginia Code section 2.2-3705.7(2). Such records are estimated to be approximately 170 pages.

Pursuant to the Act, I request that within five working days you (a) provide me with all the records I request; (b) if the records are exempt from disclosure, identify which records are going to be withheld pursuant to which specific Code provision; or (c) if the records will be provided in part, identify which records are being withheld pursuant to which specific Code provision, and release the remaining, nonexempt records to me.

I understand that there might be costs associated with this request. I request a waiver of fees and ask for you to contact me by e-mail before making copies if this request will be in excess of \$500.00.

Additionally, I request that the information I seek be provided, if possible, in an electronic format via an electronic file.

Thank you for your assistance in this matter.

David Mills